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THE
JOURNAL OF THE SENATE

DURING THE

TWENTY-FOURTH SESSION

OF THE

LEGISLATURE OF THE STATE OF CALIFORNIA,

1881.

BEGAN ON MONDAY, JANUARY THIRD, AND ENDED ON FRIDAY, MARCH
FOURTH, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE.

Also, Journal of the Proceedings of the Senate of the Extra Session,

BEGAN MONDAY, APRIL FOURTH, AND ENDED FRIDAY, MAY THIRTEENTH,
ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE.



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1881.

JOINT RESOLUTION

OF THE SENATE AND HOUSE OF REPRESENTATIVES

OF THE STATE OF CALIFORNIA

RELATIVE TO THE

REVENUE OF THE STATE

AND TO THE

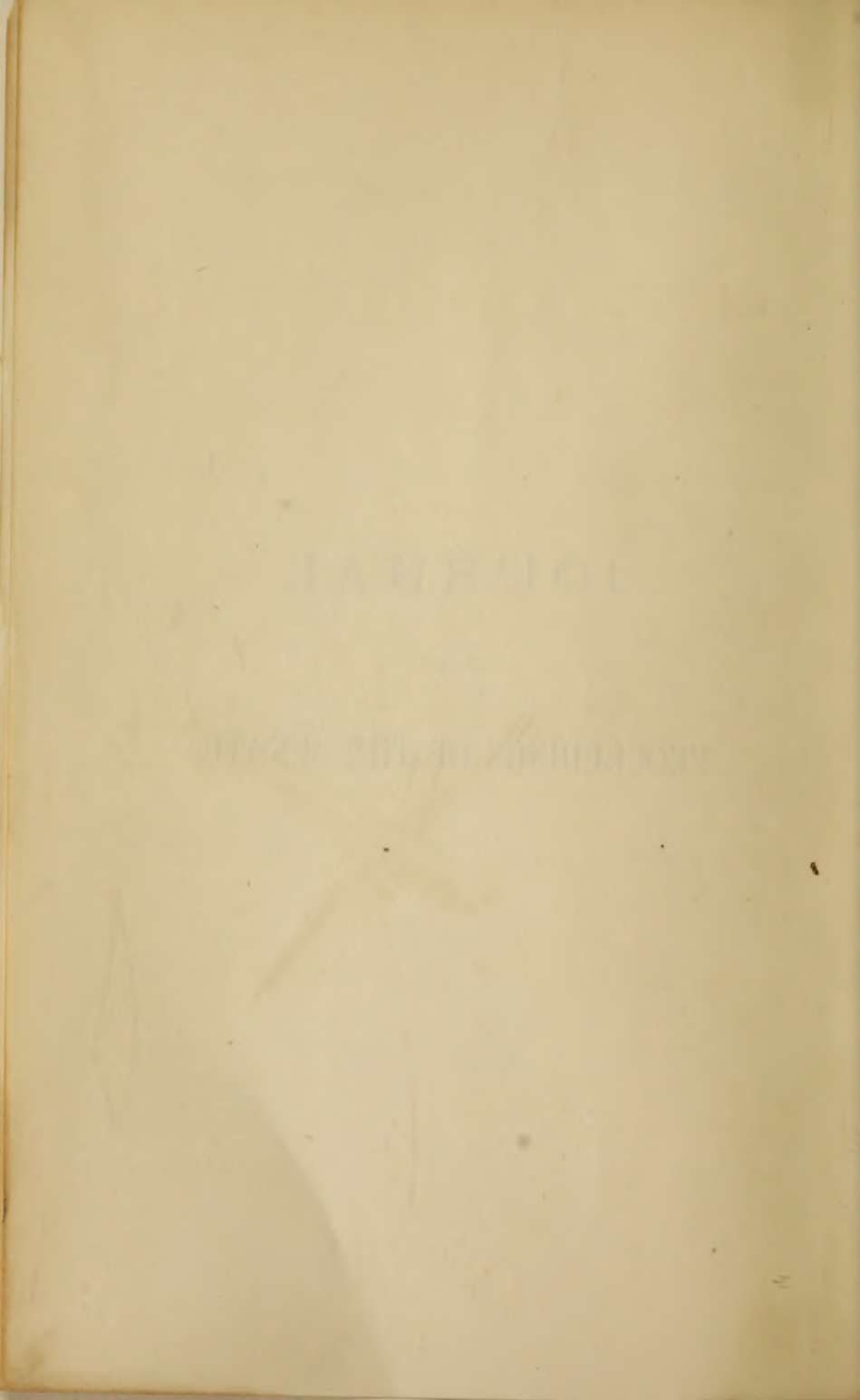


PASSED BY THE SENATE AND HOUSE OF REPRESENTATIVES

JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.



CALIFORNIA LEGISLATURE—SENATE.

TWENTY-FOURTH SESSION.

IN SENATE.

SENATE CHAMBER,
Monday, January 3, 1881. }

The Senate met at twelve o'clock M., pursuant to the requirements of the Constitution of the State of California. The Hon. John Mansfield, President of the Senate, announced that "this being the day and hour fixed by the Constitution for the convening of the Legislature, it becomes my duty, as President, to now call the Senate to order," and directed the Secretary to call the roll of Senators elected, as the first order of business.

The Secretary called the roll of the Senators, all being holdovers, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

RECESS.

Mr. Sears moved that the Senate take a recess for one hour and a half.

Carried.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

ELECTION OF OFFICERS.

Mr. Sears moved that the Senate now proceed to the election of its officers.

Carried.

PRESIDENT PRO TEM.

Mr. Baker nominated Hon. William Johnston.

Mr. Ryan nominated the Hon. John W. Satterwhite.

The roll was called, with the following result:

For Johnston—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Lampson, Nye, Pardee, Rowell, Satterwhite, Sears, Wenhell, West, and Zuck.

For Satterwhite—Messrs. Anderson, Enos, Gorman, Harlan, Johnston, Kane, Kelly, Langford, Moreland, Pool, and Ryan.

Whole number of votes cast.....	34
Necessary to a choice.....	18
Mr. Johnston received.....	23
Mr. Satterwhite received.....	11

Mr. Johnston, having received a majority of all the votes cast, was declared elected President pro tem of the Senate.

SECRETARY OF THE SENATE.

Mr. Nye nominated M. D. Boruck.

The roll was called, with the following result:

For Boruck—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—40.

Mr. Boruck receiving all the votes cast, was declared elected Secretary of the Senate.

ASSISTANT SECRETARIES OF THE SENATE.

Mr. Cheney nominated James A. Orr.

Mr. Nye nominated C. T. Johns.

The roll was called, with the following result:

For Orr—Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, Wendell, and West.

For Johns—Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Nye, Pardee, Rowell, Sears, Watson, Wendell, and West.

For Brierly—Chase, Enos, Gorman, Harlan, Kane, Kelly, Moreland, Pool, and Ryan.

Whole number of votes cast.....	34
Necessary to a choice.....	18
Mr. Orr received.....	32
Mr. Johns received.....	25
Mr. Brierly received.....	9

Messrs. Orr and Johns, having received a majority of all the votes cast, were declared duly elected Assistant Secretaries of the Senate.

SERGEANT-AT-ARMS.

Mr. Davis nominated Mr. Andrew Wasson.

The roll was called, with the following result:

For Wasson—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—37.

Mr. Wasson, having received all the votes cast, was declared elected Sergeant-at-Arms of the Senate.

ASSISTANT SERGEANT-AT-ARMS.

Mr. Carlock nominated D. B. Kingery.

The roll was called, with the following result:

For Kingery—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Gorman, Harlan, Hittell, Johnson, Johnston, Kelly, Lampson, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and West.

For Van Meter—Mr. Kane.

Whole number of votes cast.....	29
Necessary to a choice.....	15
Mr. Kingery received.....	28
Mr. Van Meter received.....	1

Mr. Kingery, having received a majority of all the votes cast, was declared duly elected Assistant Sergeant-at-Arms of the Senate.

RECESS.

At one o'clock and fifty-five minutes p. m., Mr. Dickinson moved that the Senate take a recess until seven o'clock and thirty minutes p. m., upon which the ayes and noes were demanded by Messrs. Enos, Sears, and Dickinson, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Watson, Wendell, and West—20.
NOES—Messrs. Anderson, Brown, Byrnes, Chase, Enos, Harlan, Kane, Kelly, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, and Traylor—16.

Carried.

Whereupon the Senate took a recess.

REASSEMBLED.

At seven o'clock and thirty minutes p. m., the Senate reassembled. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Watson, and West—35.

Quorum present.

MINUTE CLERK.

Mr. Dickinson nominated Bert McNulty.

The roll was called, with the following result:

For McNulty—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Watson, and West—34.

Mr. McNulty, having received all the votes cast, was declared elected.

Mr. Glascock stated that he was absent this morning, and desired his name recorded as having voted for Marcus D. Boruck for Secretary. So ordered.

JOURNAL CLERK.

Mr. Nye nominated John R. Brierly.

The roll was called, with the following result:

For Brierly—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, and West—34.

Mr. Brierly, having received all the votes cast, was declared duly elected.

ENGROSSING CLERK.

Mr. Johnson nominated Ed. C. Humphrey.

The roll was called, with the following result:

For Humphrey—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, and West—31.

Mr. Humphrey, having received all the votes cast, was declared elected.

POSTMASTER.

Mr. Neumann nominated Mrs. M. A. Whittingham.

The roll was called, with the following result:

For Mrs. Whittingham—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, and West—33.

Mrs. Whittingham, having received all the votes cast, was declared elected.

RESOLUTIONS.

By Mr. Cheney:

Resolved, That the following named persons be and they are hereby appointed to the respective positions, at the per diem hereinafter named, viz.: Mail Carrier, J. W. Johnston, \$3 per day; Gate Keeper, Henry McCann, \$3 per day; Gate Keeper, J. Dickson, \$3 per day; Day Watchman, Joseph Johnson, \$4 per day; Night Watchman, J. S. Nash, \$4 per day; Gallery Watchman, P. A. Bell, \$4 per day; Committee Room Porter, R. H. Small, \$3 per day; each per diem payable out of the appropriation for the Contingent Fund of the Senate.

Adopted.

By Mr. Enos:

Resolved, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized and ready to proceed to business with the following officers, viz: President pro tem., Mr. Johnston; Secretary, M. D. Boruck; Assistant Secretaries, James A. Orr, C. T. Johns; Sergeant-at-Arms, A. Wasson; Assistant Sergeant-at-Arms, D. B. Kugery; Minute Clerk, Bert McNulty; Journal Clerk, John R. Brierly; Engrossing Clerk, E. C. Humphrey; Postmistress, Mrs. Whittingham.

Adopted.

Mr. Sears moved that a committee of three be appointed to inform the Governor that the Senate is now organized and ready for business.

Mr. Enos offered, as a substitute, the following resolution:

Resolved by the Senate, the Assembly concurring, That a joint committee of six—three from the Senate and three from the Assembly—be appointed to notify the Governor that the Legislature is now organized and ready to receive any communication he may desire to make to it.

Resolution withdrawn, and original motion prevailed.

The Chair appointed Messrs. Sears, Enos, and Cheney, to serve as such committee.

The officers elect of the Senate now came forward and took the oath of office, administered by the President of the Senate.

RESOLUTION.

By Mr. Davis:

Resolved, That the Committee on Contingent Expenses of the last Senate be, and it is hereby appointed, a special committee, to ascertain and report to this Senate the sums due to the temporary officers for mileage and per diem for services rendered in the organization of the present Senate.

Adopted.

Mr. Sears, from the committee appointed to wait on the Governor, reported that the Governor had been waited upon, and that a message would be sent to the Senate forthwith.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.
SACRAMENTO, JANUARY 3, 1881.

To the Senate of the State of California:

I herewith transmit to your honorable body my first message, with accompanying documents. As there is but one copy of the report of the Viticultural Commissioners, I respectfully ask that the Assembly be informed of its receipt.

GEORGE C. PERKINS, Governor.

Mr. Johnston moved that the further reading of the Governor's message be dispensed with.

Carried.

Mr. Dickinson moved that the rules of the last Senate be adopted temporarily.

Carried.

Mr. Dickinson moved that a committee of five be appointed by the President to act as a Committee on Rules for the government of the Senate.

So ordered.

RESOLUTION.

By Mr. Enos:

Resolved, That the Secretary of State be requested to place on the desk of each Senator the Codes and Statutes Continued in Force.

Mr. Dickinson offered the following as an amendment:

Amend by inserting, "Hittell's Codes, and the Statutes of last session."

Adopted.

ADJOURNMENT.

At eight o'clock and three minutes P. M., Mr. Brown moved that the Senate adjourn until one o'clock P. M., Tuesday, the fourth.

Mr. Sears moved as an amendment that the Senate adjourn.

Carried.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER,)
Tuesday, January 4, 1881.)

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, T aylor, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of the Journal of yesterday, on motion of Mr. Dickinson, further reading was dispensed with, and the same ordered approved.

COMMITTEE ON RULES.

The Chair announced the following Senators as appointed a Committee on Rules: Messrs. Dickinson, Sears, Johnson, West, and Satterwhite.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, STATE CAPITOL, SACRAMENTO, January 3, 1880.

To the honorable the Senate of the State of California:

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly of the State of California has this day completed its organization, by the election of Hon. W. H. Parks, Speaker; Hon. Thomas Frasier, Speaker pro tem; George E. McStay, Chief Clerk, and E. Walters, Sergeant-at-Arms, and awaits the action of the Senate in legislative business.

G. E. McSTAY,
Chief Clerk of the Assembly.

INTRODUCTION OF BILLS.

By Mr. Johnson: Senate Bill No. 1—An Act to divide the State of California into Assembly Districts.

Read first time, and referred to Committee on Apportionment when appointed.

Also, Senate Bill No. 2—An Act to divide the State of California into Senatorial Districts.

Read first time, and referred to Committee on Apportionment when appointed.

Also, Senate Bill No. 3—An Act to amend sections four thousand, four thousand and three, four thousand and four, four thousand and six, four thousand and twenty-two, four thousand and twenty-three, four thousand and twenty-four, four thousand and twenty-five, four thousand and twenty-six, four thousand and twenty-eight, four thousand and twenty-nine, four thousand and forty-six, four thousand and eighty-seven, four thousand one hundred and three, four thousand one hundred and four, four thousand one hundred and nine, four thousand one hundred and fifteen, four thousand one hundred and sixteen, four thousand one hundred and nineteen, four thousand one hundred and sixty-five, four thousand two hundred and four, four thousand two hundred and twenty-one, four thousand two hundred and fifty-six, four thousand three hundred and fourteen, four thousand three hundred and twenty-eight, and four thousand three hundred and twenty-nine of the Political Code, and to repeal sections four thousand and five, four thousand and seven, four thousand and twenty-seven, four thousand one hundred and five, four thousand one hundred and seven, four thousand one hundred and ten, and four thousand one hundred and eleven of the Political Code, and to add two new sections to said Political Code, to be known as sections four thousand two hundred and ninety-two and four thousand three hundred and forty-eight of said Political Code, and thereby to amend the law relating to county governments, and to establish a new system of county government in California.

Read first time, and referred to the Committee on City and Town Governments.

By Mr. Enos: Senate Bill No. 4—An Act to repeal an Act entitled "An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, of article eleven, of the Constitution of the State," approved April twenty-fourth, eighteen hundred and eighty.

Read first time, and referred to the Committee on City and Town Governments.

Also, Senate Bill No. 5—An Act to establish and support a Bureau of Labor and Land Statistics.

Read first time, and referred to the Committee on Labor and Capital.

Also, Senate Bill No. 6—An Act to provide for work upon the public works and buildings within this State to be done by day labor, and under the supervision of a superintendent, or officer having charge of the same.

Read first time, and referred to the Committee on Labor and Capital.

By Mr. Sears: Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese.

Read first time, and referred to the Committee on Agriculture.

Also, Senate Bill No. 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin, and for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Read first time, and referred to the Committee on State Prison.

Also, Senate Bill No. 9—An Act to prevent the sale of adulterated milk.

Read first time, and referred to Committee on Judiciary.

By Mr. Davis: Senate Bill No. 10—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, to be known as section three hundred and seven, relating to the sale and use of opium.

Read first time, and referred to Committee on Public Morals.

Also, Senate Bill No. 11—An Act to appropriate moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State, in preparing bills adapting the Codes to the Constitution.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 12—An Act to create a fund in the several counties of this State for the payment of the salary of the Superior Judges.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy two, relating to decisions and findings by Courts.

Read first time, and referred to the Committee on Judiciary.

By Mr. Moreland: Senate Bill No. 14—An Act to provide for the protection of sheep and other domestic animals.

Read first time, and referred to the Committee on Agriculture.

By Mr. Pardee: Senate Bill No. 15—An Act to amend sections eight hundred and forty-nine, eight hundred and sixty-eight, and nine hundred and two of the Code of Civil Procedure, concerning proceedings in Justices' Courts.

Read first time, and referred to the Committee on Judiciary.

By Mr. Hudson: Senate Bill No. 16—An Act to govern the practice of medicine in the State of California, and defining who are legal physicians and surgeons.

Read first time, and referred to Committee on Judiciary.

By Mr. Nye: Senate Bill No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property in which deceased persons held a life estate which terminated and expired upon the death of such persons.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix.

Read first time, and referred to Committee on Judiciary.

By Mr. Ryan: Senate Bill No. 19—An Act to repeal section two of an Act entitled "An Act fixing the compensation of certain officers of the County of Humboldt," approved February fourteenth, A. D. eighteen hundred and seventy-four.

Read first time, and referred to Committee on Education.

By Mr. Kane: Senate Bill No. 20—An Act to amend sections fourteen and fifteen of an Act entitled "An Act to provide for the completion of the building in the City and County of San Francisco

known as the New City Hall," approved March twenty-fourth, eighteen hundred and seventy-six.

Read first time, and referred to Committee on City and Town Governments.

By Mr. Gorman: Senate Bill No. 21—An Act to regulate the hours of labor on work done for the State.

Read first time, and referred to Committee on Capital and Labor.

By Mr. Hittell: Senate Bill No. 22—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of the Code of Civil Procedure, relating to findings.

Read first time, and referred to Committee on Judiciary.

By Mr. Hittell: Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Read first time, and referred to Committee on Judiciary.

By Mr. Enos: Senate Bill No. 24—An Act to repeal an Act entitled "An Act for the better protection of fruit trees and vines," approved April ninth, eighteen hundred and eighty.

Read first time, and referred to Committee on Agriculture.

By Mr. Johnson: Senate Bill No. 25—An Act releasing to Wm. Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Neumann: Senate Bill No. 26—An Act to add to part two, division second, of the Civil Code, a new title, to be known as Title Five, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining laws.

Read first time, and referred to Committee on Mines and Mining.

By Mr. Hill: Senate Bill No. 27—An Act to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Read first time, and referred to Committee on Irrigation, Water Rights, and Drainage.

By Mr. Neumann: Senate Bill No. 28—An Act to provide rules for working mines involving easements, drainage, and other necessary means to their complete development.

Read first time, and referred to Committee on Mines and Mining.

By Mr. Sears: Senate Bill No. 29—An Act making an appropriation for the payment of mileage of Senators.

Read first time, and referred to the Committee on Contingent Expenses and Mileage.

By Mr. Dickinson: Senate Bill No. 30—An Act to amend section four hundred and twenty-seven of the Civil Code, concerning investments of the capital stock and funds of insurance companies.

Read first time, and referred to the Committee on Corporations.

RESOLUTIONS.

By Mr. Johnson: Senate Concurrent Resolution No. 1—Relating to sales of public lands.

Read first time, and referred to the Committee on Federal Relations.

By Mr. Ryan: Senate Concurrent Resolution No. 2—In regard to a harbor of refuge at Trinidad, in this State.

Read, and referred to the Committee on Commerce and Navigation.

By Mr. Johnson:

Resolved. That the sum of nine hundred and twenty dollars be and the same is hereby appropriated out of the appropriation for the Contingent Fund of the Senate, to pay James Byrnes for his expenses incurred in the contest of the seat of Robert Desty, as a Senator, and the Controller be and he is hereby directed to draw his warrant in favor of said James Byrnes for said sum.

Read, and referred to the Committee on Elections.

By Mr. Hill: Senate Concurrent Resolution No. 3—Relating to the forwarding of certain laws to Superior Judges.

Ordered on General File.

By Mr. Kane:

Resolved. That the Adjutant-General of the State of California be and he is hereby requested to furnish the Senate with a full and complete list of soldiers, and officers, and men, who have either been killed, wounded or maimed, while in the service of the State of California, as members of the National Guard, together with the date of enlistment, date of battle, and nature of case. Also, a list of all battles and skirmishes in which the National Guard have participated and acted in.

Referred to the Committee on Military Affairs.

By Mr. Satterwhite:

WHEREAS, The Governor in his annual message declares that the cost of litigation is a heavy burden upon litigants, and that the fees and costs for services are so great as to increase the amount of indebtedness out of all proportion to the original claim, and is a hardship especially felt in attachments, foreclosures, and petitions, and also in probate proceedings; therefore, be it

Resolved. That the Judiciary Committee be instructed to inquire into this matter of the cost and expense of litigation, and report to the Senate a bill or bills to carry out the urgent recommendations of the Governor.

Adopted.

By Mr. Enos:

Resolved. That we do now proceed to the election of a Chaplain for the Senate, and that he be paid five dollars per diem, out of the Senate Contingent Fund.

Mr. Satterwhite moved that the resolution be laid upon the table, upon which the ayes and noes were demanded by Messrs. Enos, Cheney, and Johnson.

The roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Chase, Davis, Dickinson, Glascock, Gorman, Harlan, Hittell, Hudson, Kane, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, and T aylor—21.

NOES—Messrs. Anderson, Baker, Carlock, Cheney, Conger, Enos, George, Hill, Johnson, Johnston, Lampson, Sears, West, and Zuck—14.

Carried.

By Mr. Sears:

Resolved. That the Secretary of the Senate be directed to have printed and placed upon the desks of Senators each day, copies of the Journal, copies of the file of bills, and copies of bills introduced.

Adopted.

By Mr. Hill: Senate Concurrent Resolution No. 4—Relating to the appointment of a Joint Committee on Rules.

Adopted.

The President of the Senate announced the following appointments:

Pages—Henry Durner, Percy Ross, David M. Foltze, Edward S. Brown, and Andrew M. Lawrence for desk.

Porters—Ed. Cotter, James McDonald, Mr. Collins, Mr. Ferguson, and Mr. Johnson, Rear Porter.

ADJOURNMENT.

At eleven o'clock and twenty minutes A. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,)
Wednesday, January 5, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called and the following Senators answered to their names:

Messes. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Journal of yesterday read and ordered approved.

REPORTS OF SELECT COMMITTEES.

Mr. Dickinson made the following report:

SENATE CHAMBER, Wednesday, January 5, 1881.

MR. PRESIDENT: Your Committee on Rules beg leave to report that they have had under consideration the matter referred to them, and herewith submit the following report and recommendations:

Amend Rule One so as to read as follows:

"The time of meeting of the Senate shall be one o'clock P. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting."

In Rule Five, subdivision six, strike out the words "first reading," and insert in lieu thereof the word "printing."

Subdivision seven, amend to read as follows:

"First reading and engrossment of bills."

Subdivision nine—strike out the word "third," and insert in lieu thereof the word "second."

Subdivision ten—add the following as a new subdivision: "Third reading of bills."

Renumber balance of subdivisions in Rule Five.

Amend Rule Six so as to read as follows: "Every bill shall be read on three several days previous to its passage. When a bill is introduced, it shall be printed, and referred to an appro-

private committee. When a bill is reported back from a committee, with amendments, or otherwise, it shall be considered as though the Senate were in Committee of the Whole, and shall be read and perfected by sections which shall be the first reading of the bill, and when so read and perfected, it shall be engrossed and printed with its amendments. It shall then be read at length a second time, which shall be the second reading of the bill, and on such second reading it shall be open to amendment as upon its first reading. On the first passage of a bill, it shall be read at length by sections, which shall be the third reading of the bill, and on such third reading, no bill shall be open to amendment, except it may be recommitted with special instructions. On the final passage of a bill, the roll of Senators shall be called, and the vote taken, by yeas and nays, which shall be recorded in the Senate Journal, and no bill shall be declared passed unless a majority of the Senators elected vote for the passage of the same. The presiding officer of the Senate shall give notice at each reading, whether it be the first, second, or third reading of the bill. The first and second readings of a bill at length may be dispensed with in case of urgency, by a two-third vote of the Senate, by a vote of yeas and nays.

Amend Rule Seven by striking out "one o'clock and thirty minutes" and "three o'clock," inserting in lieu thereof "two o'clock and thirty minutes" and "four o'clock."

Amend Rule Fifteen, subdivision twenty-two, by striking out the word "eight" and insert in lieu thereof the word "nine."

Amend subdivision twenty-three to read as follows: "Committee on Irrigation and Water Rights, to consist of seven members."

Amend subdivision twenty-four by striking out the word "fisheries" and insert in lieu thereof the word "fish."

Amend subdivision twenty-six so as to read as follows: "Committee on City, City and County, and Town Governments, to consist of seven members."

Amend subdivision twenty-nine so as to read as follows: "Committee on Drainage and Mining Debris, to consist of seven members."

Amend subdivision thirty so as to read as follows: "Committee on Apportionment and Representation, to consist of nine members."

Add to Rule Twenty-seven the following: "If the previous question is negatived the Senate shall proceed in the same manner as if the motion had not been made."

Add to Rule Thirty-one the following: "A motion to reconsider may be made by any Senator after notice given."

In Rule Forty-three, after the word "Assembly" in second line, insert the words "State officers."

Amend Rule Fifty-one, line second, by striking out the word "ten" and inserting in lieu thereof the word "five."

DICKINSON, Chairman.

Mr. Dickinson moved that the report be now taken up.

Mr. Johnson moved that the amendments proposed be printed, and that consideration be postponed until to-morrow at ten o'clock A. M.
Carried.

INTRODUCTION OF BILLS.

By Mr. Enos: Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official civil duties.

Read first time, and referred to the Committee on Judiciary.

Also, Senate Bill No. 32—An Act concerning the medical department of the University of California.

Read first time, and referred to Committee on Hospitals.

By Mr. Pool: Senate Bill No. 33—An Act to prevent hunting and shooting on private inclosed grounds in the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Chase: Senate Bill No. 34—An Act to amend section seven hundred and twenty-six of an Act to establish a Code of Civil Procedure, relating to the foreclosure of mortgages.

Read first time, and referred to Committee on Judiciary.

By Mr. Kelly: Senate Bill No. 35—An Act to provide for and enforce liens of mechanics, material men, artisans, and laborers.

Read first time, and referred to Committee on Judiciary.

By Mr. Hittell: Senate Bill No. 36—An Act to amend title eleven, of part four, of the Civil Code, and each and every section thereof.

and to substitute a new title eleven, of part four, to take the place thereof in said Code, relating to mining corporations.

Read first time, and referred to Committee on Judiciary.

By Mr. Davis: Senate Bill No. 37—An Act to amend section four thousand and eighty-three of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to reports of County Auditors.

Read first time, and referred to Committee on Finance.

Also, Senate Bill No. 38—An Act to authorize the Controller and Treasurer of the State to transfer certain funds.

Read first time, and referred to Committee on Finance.

By Mr. Lampson: Senate Bill No. 39—An Act to appropriate money for the support of aged and indigent women.

Read first time, and referred to Committee on Finance.

By Mr. Wendell: Senate Bill No. 40—An Act to establish a uniform system of county governments.

Read first time, and referred to Committee on County Governments.

By Mr. Glascock: Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 42—An Act to amend section one thousand one hundred and seventy-four of the Penal Code.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code—in relation to appeals in criminal cases, from Justice or Police Courts, to the Superior Courts.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol Park.

Read first time, and referred to Committee on Public Buildings.

Also, Senate Bill No. 45—An Act in relation to the killing of human beings, commonly called murder, and the punishment thereof.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 46—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code, defining what are common carriers.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 47—An Act to amend section two thousand two hundred and nine of the Civil Code, in relation to damages awarded when telegraphic messages are refused or postponed.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 48—An Act to regulate the rate of charges on telegraph lines, and to prevent extortion by owners of telegraph lines.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 49—An Act to amend section three thousand four hundred and fifty-nine of the Political Code, relative to assessments upon swamp and overflowed lands for reclamation purposes.

Read first time and referred to Committee on Swamp and Overflowed Lands.

By Mr. Kane: Senate Bill No. 50—An Act to prohibit the further appropriation of money out of the State Treasury for the support of the National Guard.

Read first time, and referred to Committee on Finance.

By Mr. Nelson: Senate Bill No. 51—An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, any county, city and county, municipality, or other political subdivision of this State, is party.

Read first time, and referred to Committee on Chinese and Chinese Immigration.

Also, Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Senate Bill No. 53—An Act to amend section three thousand four hundred and forty-two of Political Code, relating to the sale of swamp and overflowed lands belonging to the State.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Sears: Senate Bill No. 54—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the payment of the per diem and mileage of Lieutenant-Governor, members of the Legislature, officers and clerks of the Legislature, and the contingent expenses of the Senate and Assembly.

Read first time, and referred to Committee on Finance.

By Mr. Enos: Senate Bill No. 55—An Act to prevent discrimination by gas companies in the State of California.

Read first time, and referred to Committee on Corporations.

Also, Senate Bill No. 56—An Act for the payment of certain bonds issued to Commissioners as compensation for auditing certain claims arising out of Indian hostilities.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 57—An Act to amend the Political Code of the State of California, by adding a new section thereto.

Read first time, and referred to Committee on Judiciary.

RESOLUTIONS.

By Mr. Hill:

Resolved, That the Secretary of the Senate be and is hereby instructed to have the rules which were adopted for the government of the Senate at the Twenty third Session of the Legislature of California, together with the amendments thereto, reported by Special Committee on Rules to-day, printed, and a copy thereof placed on the desk of each Senator at the opening of the session to-morrow, January 6, A. D. 1880.

Adopted.

By Mr. Ryan: Concurrent Resolution No. 5—Relative to appropriating money for improvement of Eel River, Humboldt County, for the purpose of navigation.

Read, and referred to Committee on Navigation.

By Mr. Enos:

Resolved, That the sum of five hundred dollars be and the same is hereby appropriated out of the appropriation for the Contingent Fund of the Senate, to pay T. J. Pinder for his expenses incurred in the contest of the seat of W. W. Traylor as a Senator, and the Controller be and he is hereby directed to draw his warrant in favor of said T. J. Pinder for said sum.

Referred to Committee on Elections.

By Mr. Satterwhite:

Resolved, That each Senator be allowed the sum of twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Senate.

Adopted.

ADJOURNMENT.

On motion of Mr. Enos, at eleven o'clock and forty-five minutes A. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 6, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Morland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Journal of yesterday read and approved.

SPECIAL ORDER.

The time having arrived for the consideration of the special order for ten o'clock A. M., it was now taken up.

THE REPORT OF THE COMMITTEE ON RULES.

Mr. Enos offered the following amendment to Rule One: Amend by striking out the word "ten," in first line, and insert "eleven."

Mr. Johnston offered the following amendment to the amendment: Amend by striking out, in line one, the word "one," and insert "eleven."

Mr. Enos accepted Mr. Johnston's amendment.

Lost.

Mr. Gorman offered the following amendment:

That the time of meeting shall be at ten A. M., when the roll shall be called, and the Senate shall then adjourn until one P. M.

Mr. Sears offered the following as a substitute:

The time of meeting of the Senate shall be ten o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock and thirty minutes to one o'clock and thirty minutes P. M.

Messrs. Enos, Ryan, and Lampson demanded the ayes and noes on its adoption, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Enos, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nye, Rowell, Ryan, Sears, and Watson—23.

NOES—Messrs. Baker, Chase, Conger, Davis, Dickinson, Gorman, Kelly, Nelson, Neumann, Pardee, Pool, Satterwhite, Traylor, Wendell, West, and Zuck—16.

Substitute adopted.

Mr. Baker moved that the substitute adopted be amended to read "eleven A. M.," instead of "ten A. M."

The ayes and noes were demanded by Messrs. Baker, Enos, and Gorman, and the roll was called with the following result:

AYES—Messrs. Baker, Carlock, Conger, Dickinson, Enos, Johnston, Kelly, Pardee, Pool, Satterwhite, Traylor, Wendell, and Zuck—13.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Chase, Cheney, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Lampson, Langford, Moreland, Nelson, Nye, Rowell, Ryan, Sears, Watson, and West—25.

The substitute was lost.

Mr. Dickinson moved that the recommendation of the committee on Rule Six be adopted.

Upon which the ayes and noes were demanded by Messrs. Johnson, Satterwhite, and Baker, with the following result:

AYES—Messrs. Baker, Burt, Dickinson, Harlan, Hill, Neumann, Rowell, Satterwhite, Sears, West, and Zuck—11.

NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Traylor, Watson, and Wendell—27.

Lost.

Mr. Dickinson moved that the first fourteen rules of the twenty-third session be adopted as the rules of the present session.

Carried.

Mr. Dickinson moved the adoption of the amendments of committee on subdivision twenty-two, Rule Fifteen.

Carried.

Also, the adoption of the amendments of committee on subdivision twenty-four, Rule Fifteen.

Carried.

Also, the adoption of the recommendations of the committee on subdivision twenty-six, Rule Fifteen.

Carried.

Mr. Sears moved that subdivision twenty-three, Rule Fifteen, be amended to read as follows:

Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to consist of nine members.

Carried.

Mr. Dickinson moved the adoption of recommendation of committee to amend Rule Fifteen, subdivision thirty.

Mr. Enos moved, as a substitute, that the committee consist of eleven members.

Lost.

Recommendations of committee adopted.

Mr. Dickinson moved the adoption of the recommendation of committee on Rule Twenty-seven.

Carried.

Mr. Dickinson moved the adoption of the recommendation of committee on Rule Thirty-one.

Carried.

Mr. Dickinson moved the adoption of the recommendation of committee on Rule Fifty-one.

Carried.

Mr. Dickinson moved the adoption of the recommendation of committee on Rule Forty-three.

Carried.

Mr. Baker moved that the standing rules of the last session of the Senate, as amended, be adopted as the rules of the present session.

Carried.

Mr. Enos moved that one thousand two hundred copies of report of State Engineer be printed.

Carried.

Mr. Sears moved that the usual number of copies of the rules, as adopted, including the names of the members, officers, and committees, be printed.

Carried.

RESOLUTIONS.

Mr. Gorman offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be authorized to contract for a letter box at the Post Office in this city, for the use of the Senate, the cost of such box to be paid out of the fund for contingent expenses.

Adopted.

Mr. Johnston offered the following resolution:

Resolved, That the distribution of bills and papers in the Senate chamber, during the sessions of the Senate, be prohibited.

Adopted.

RECESS.

The hour having arrived, the Senate took a recess.

REASSEMBLED.

The Senate reassembled at one o'clock and thirty minutes p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

GENERAL FILE.

Senate Concurrent Resolution No. 3—Relative to forwarding copies of certain laws to Superior Judges, District Attorneys, and County Clerks.

Read second time, and ordered engrossed.

RESOLUTIONS.

Mr. Davis offered the following resolution :

Resolved, That the Sergeant-at-Arms be, and he is hereby instructed, to procure for the use of the Senate, two water filters—one to be placed in the Senate Chamber and one in the office of the Sergeant-at-Arms.

Adopted.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, January 6, 1881. }

To the Senate of the State of California :

I herewith transmit to your honorable body, in accordance with law, the report of the Board of Examiners on claims allowed by them, awaiting appropriations for their payment, and also claims against the State, settlement of which is not otherwise provided by law. There being but one copy of this report, I respectfully ask that the Assembly be informed of its receipt.

GEORGE C. PERKINS, Governor.

Also :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, January 6, 1881. }

To the Senate of the State of California :

I have the honor to inform your honorable body that since the adjournment of the twenty-third session of the Legislature, I have made the following appointments, and request your concurrence thereto :

June 15, 1880—Donald McClellan, Director of the Insane Asylum, San Francisco, vice self, term expired. Lewis M. Cutting, Director of the Insane Asylum, Stockton, vice Stewart, term expired.

July 1, 1880—John A. Stanly, Trustee of the Asylum for the Deaf, Dumb, and Blind, Oakland, vice self, term expired.

July 27, 1880—Joseph A. Coolidge, Pilot Commissioner for the ports of San Francisco, Mare Island, and Benicia, San Francisco, vice Willusstun, deceased.

September 24, 1880—Geo. D. Dornin, Trustee of the Asylum for the Deaf, Dumb, and Blind, vice Toland, deceased.

December 6, 1880—N. Greene Curtis, Regent of the University of California, Sacramento, vice Moss, deceased. A. K. P. Harmon, Trustee of the Asylum for the Deaf, Dumb, and Blind, Oakland, vice Moss, deceased. Chester Rowell, member of the State Board of Health, Fresno, vice Gramess, deceased. T. G. Phelps, Regent of the University of California, San Mateo, vice Bidwell, resigned.

GEO. C. PERKINS, Governor.

Laid over one day, under rules.

Also :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, January 6, 1881. }

To the Senate of the State of California :

I herewith transmit to your honorable body a statement of the amount expended out of the appropriation for special contingent fund of Governor's office, a detailed account of which is on record, and awaits your inspection :

Balance of appropriation for thirty-first fiscal year.....	\$2,280 00
Amount expended by me.....	600 00
Appropriation for thirty-second fiscal year.....	2,500 00
Amount drawn.....	500 00

GEO. C. PERKINS, Governor.

Referred to Committee on Finance.

President pro tem. Johnston in the chair.

INTRODUCTION OF BILLS.

By Mr. Wendell: Senate Bill No. 58—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three

hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight of the Code of Civil Procedure, relating to the venue in civil actions.

Read first time, and referred to the Judiciary Committee.

Also, Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family.

Read first time, and referred to the Judiciary Committee.

Also, Senate Bill No. 60—An Act to divide the State into Congressional Districts.

Read first time, and referred to the Committee on Apportionment.

Also, Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violations of the law for the preservation of fish.

Read first time, and referred to the Committee on Fish and Game.

Also, Senate Bill No. 62—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

Read first time, and referred to the Committee on Finance.

Also, Senate Bill No. 63—An Act to amend the Penal Code by adding two new sections thereto, to be known as sections nine hundred and sixty-nine and one thousand and twenty-five, providing for proceedings in cases where previous conviction is charged.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 64—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one of the Political Code, and to add a new section to said Code, to be known as section three thousand eight hundred and seventeen, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six of said Code, providing for a duplicate assessment book.

Read first time, and referred to Committee on Finance.

Mr. Neumann moved that no Senator be allowed to introduce more than one bill at a time.

The President declared the motion carried.

Mr. Satterwhite appealed from the decision of the Chair.

The question being, Shall the decision of the Chair be sustained as the judgment of the Senate?

A vote was had, and the decision not sustained.

By Mr. Davis: Senate Bill No. 65—An Act to amend section one thousand five hundred and fifty-two of the Political Code.

Read first time, and referred to Committee on Education.

Also, Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to operation of statutes.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 67—An Act to amend section nine hundred

and seventy-four of the Code of Civil Procedure, relating to appeals in civil actions.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 68—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February second, eighteen hundred and seventy-two.

Read first time, and referred to Finance Committee.

Also, Senate Bill No. 69—An Act to amend sections six hundred and eighty and six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the investment of the proceeds of the sale of State school lands and other moneys.

Read first time, and referred to Finance Committee.

By Mr. Nye: Senate Bill No. 70—An Act to amend section six hundred and sixty-seven of the Penal Code, concerning the punishment of a second offense after conviction of petit larceny, or an attempt to commit a State Prison offense.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 71—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration.

Read first time, and referred to Judiciary Committee.

By Mr. Enos: Senate Bill No. 72—An Act to repeal subdivision two of section nine hundred and ninety-five of the Penal Code, and to renumber sections three and four.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 73—An Act to repeal section nine hundred and forty-three of the Penal Code.

Read first time, and referred to Judiciary Committee.

By Mr. Dickinson: Senate Bill No. 74—An Act to amend sections fifty-nine and sixty of the Civil Code, relating to marriages.

Read first time, and referred to Judiciary Committee.

By Mr. Neumann: Senate Bill No. 75—An Act to pay the claim of the members and employes of the late Board of Reclamation Fund Commissioners.

Read first time, and referred to Committee on Claims.

By Mr. Dickinson: Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation.

Read first time, and referred to Committee on Judiciary.

By Mr. West: Senate Bill No. 77—An Act to amend section six hundred and eighty-eight of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 78—An Act to amend sections one thousand and forty-four and two thousand nine hundred and forty-seven of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

By Mr. Glascock: Senate Bill No. 79—An Act to amend section one thousand two hundred and forty-nine of the Penal Code.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code.

Read first time, and referred to Judiciary Committee.

By Mr. Brown: Senate Bill No. 81—An Act to add to part two, division second, of the Civil Code, a new title, to be known as Title Five, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining laws, and forming mining districts.

Read first time, and referred to Committee on Mines and Mining.

By Mr. Chase: Senate Bill No. 82—An Act to restrict and limit titles to real estate.

Read first time, and referred to Committee on Agriculture.

By Mr. Enos: Senate Bill No. 83—An Act to establish Boards of Education, and to define their powers and duties, in cities, or consolidated cities and counties, of over one hundred thousand inhabitants, and to provide for the support and maintenance of common schools in such cities, or consolidated cities and counties.

Read first time, and referred to Committee on City, City and County, and Town Governments.

By Mr. Watson: Senate Bill No. 84—An Act to amend section four thousand two hundred and four of the Political Code, relating to the duties of County Clerks.

Read first time, and referred to the Committee on Judiciary.

By Mr. Johnson: Senate Bill No. 85—An Act to repeal section one thousand seven hundred and thirty-seven of the Code of Civil Procedure.

Read first time and referred to the Committee on Judiciary.

Also, Senate Bill No. 86—An Act to amend sections eight hundred and eleven and eight hundred and twelve of the Penal Code, relating to warrants of arrest.

Read first time, and referred to the Committee on Judiciary.

Also, Senate Bill No. 87—An Act to enforce the provisions of section three of article twelve of the Constitution.

Read first time, and referred to the Judiciary Committee.

Also, Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to committal of insane persons.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 89—An Act in relation to companies or corporations transacting fire, marine, or inland insurance in California, and prescribing as to rate of dividends, liabilities of stockholders, transfer of stock, value of policy, provisions as to arbitration, and statement of assets.

Read first time, and referred to Committee on Corporations.

Also, Senate Bill No. 90—To prescribe the form of a policy of fire insurance to be used in California.

Read first time, and referred to Committee on Corporations.

Also, Senate Bill No. 91—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read first time, and referred to Committee on Corporations.

By Mr. Nye: Senate Bill No. 92—An Act to provide buildings and

improvements for the Institution for the Deaf and Dumb, and the Blind.

Read first time, and referred to Committee on Public Buildings.

By Mr. Nelson: Senate Bill No. 93—An Act regulating the selling or buying stock on margin, or to be delivered at a future day.

Read first time, and referred to Committee on Corporations.

Mr. Sears moved that subdivision six, of Rule Fifteen, be amended so as to read "seven" members, instead of "five."

Carried.

RESOLUTIONS.

By Mr. Cheney:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to employ Grove Deal as Page, at a per diem of three dollars per day.

Adopted.

Also:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to appoint A. L. Van Mater as Clerk, at a per diem of five dollars per day.

Adopted.

COMMUNICATIONS.

The following communications were received from the Secretary of State:

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }
SACRAMENTO, January 5, 1881. }

To the Senate of California:

In accordance with your resolution directing the Secretary of State to place on the desk of each Senator a copy of Hittell's Codes and the Statutes of last session, I beg to say that this department has complied with said resolution as far as possible, having placed on each Senator's desk a copy of the Codes and Statutes of last session, and delivered nineteen copies of Hittell's Codes, leaving twenty-one Senators not supplied therewith.

D. M. BURNS, Secretary of State.

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }
SACRAMENTO, January 5, 1881. }

To the Senate of the State of California:

I have the honor to submit herewith a copy of the Census of the State of California for the census year eighteen hundred and eighty, which excludes Japanese and Chinsee, but includes Indians not on reservations.

D. M. BURNS, Secretary of State.

Alameda.....	58,573
Alpine.....	522
Amador.....	10,271
Butte.....	14,937
Calaveras.....	8,057
Colusa.....	12,147
Contra Costa.....	11,799
Del Norte.....	2,150
El Dorado.....	9,197
Fresno.....	8,774
Humboldt.....	15,263
Inyo.....	2,838
Kern.....	4,898
Lake.....	6,127
Lassen.....	3,200
Los Angeles.....	32,209
Marin.....	9,993
Mariposa.....	3,642
Mendocino.....	12,455
Merced.....	5,080

Modoc	4,383
Mono	7,140
Monterey	10,931
Napa	12,329
Nevada	17,821
Placer	12,030
Plumas	5,312
Sacramento	29,512
San Benito	5,342
San Bernardino	7,663
San Diego	8,389
San Francisco	212,165
San Joaquin	22,370
San Luis Obispo	8,954
San Mateo	8,074
Santa Barbara	9,296
Santa Clara	32,351
Santa Cruz	12,277
Shasta	8,156
Sierra	5,373
Siskiyou	7,049
Solano	17,480
Sonoma	25,020
Stanislaus	8,232
Sutter	4,893
Tehama	8,528
Trinity	3,052
Tulare	10,949
Tuolumne	7,043
Ventura	4,944
Yolo	11,166
Yuba	9,121
Total	789,557

Referred to Committee on Apportionment.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 6, 1881.

MR. PRESIDENT: It becomes my duty to inform your honorable body that the Assembly of the State of California this day adopted Senate Concurrent Resolution No. 4, in relation to the appointment of a Joint Committee on Rules for the Senate and Assembly.

G. E. McSTAY, Chief Clerk.

RESOLUTION.

By Mr. Dickinson:

Resolved, That the Secretary of the Senate inquire of the Secretary of State who, if any Senators, failed to return the copies of Hittell's Code issued to them at the last session of the Senate, and report the result of such inquiry at the opening of the session to-morrow.

Adopted.

ADJOURNMENT.

On motion of Mr. Davis, at three o'clock p. m., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 7, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lumpson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Indefinite leave of absence was granted to Mr. Hudson, on account of sickness.

The Journal of yesterday was read, amended, and approved.

President pro tem. in the chair.

On motion of Mr. Baker, the consideration of the Governor's message and appointments were made the special order for Tuesday next, immediately after reading of Journal.

INTRODUCTION OF BILLS.

By Mr. Sears: Assembly Bill No. 94—An Act to amend section two thousand six hundred and ninety-eight of the Political Code.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Johnston: Senate Bill No. 95—An Act to amend section seventy-eight of the Civil Code, relating to the manner by which the validity of marriage may be determined and declared.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 96—An Act to amend section three hundred and twelve and three hundred and fifteen of the Civil Code, relating to corporations.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 97—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of the Civil Code, relating to actions for proving instruments and correcting defective certificates of acknowledgments.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 98—An Act to amend section one thousand four hundred and five of the Civil Code, relating to succession.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 99—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a trustee may be discharged from his trust.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 100—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 36—An Act to amend title eleven, of part four, of the Civil Code, and each and every section thereof, and to substitute a new title eleven, of part four, to take the place thereof in said Code, relating to mining corporations—and recommend its passage.

Also, Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code—with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 42—An Act to amend section one thousand one hundred and seventy-four of the Penal Code—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases, from Justices or Police Courts, to the Superior Courts—with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 45—An Act in relation to the killing of human beings, commonly called murder, and the punishment thereof—and recommend that it do not pass.

Also, Senate Bill No. 47—An Act to amend section two thousand two hundred and nine of the Civil Code in relation to damages awarded when telegraphic messages are refused or postponed—and recommend its passage.

Also, Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful interest—and recommend its passage.

WENDELL, Chairman.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, JANUARY 8, 1881.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following resolution, viz:

Resolved, That the Committee on Contingent Expenses of the last Senate be and it is hereby appointed a special committee to ascertain and report to this Senate the sums due to the temporary officers for mileage and per diem for services rendered in the organization of the present Senate, have had the same under consideration, and report the same, and recommend that the following named temporary officers are entitled to mileage and per diem in the amounts set opposite to their respective names; and also recommend that said amounts be paid out of the appropriation for the contingent expenses of the Senate, and warrants be drawn therefor:

M. D. Boruck, Secretary, one day	\$8 00
M. D. Boruck, Secretary, one hundred and sixty-eight miles	16 80
J. A. Orr, Assistant Secretary, one day	8 00
J. R. Brierly, Assistant Secretary, one day	8 00
W. R. Lambert, Minute Clerk, one day	8 00
B. E. Ward, Assistant Minute Clerk	8 00
W. R. Lambert, Minute Clerk, one hundred and forty miles	14 00
A. Wasson, Sergeant-at-Arms, one day	8 00
A. Wasson, Sergeant-at-Arms, three hundred and ninety-two miles	39 20
G. Meredith, Assistant Sergeant-at-Arms, one day	6 00
A. L. Van Mater, Clerk Sergeant-at-Arms, one day	5 00
Ed. Cotter, Porter, one day	4 00
C. W. Collins, Porter, one day	4 00
G. B. Johnson, Porter, one day	4 00
Hank Jones, Rear Porter, one day	4 00
Joseph Graham, Gatekeeper, one day	3 00
Joseph Johnson, Day Watchman, one day	4 00
Andrew Lawrence, Page, one day	3 00
August Rose, Page, one day	3 00
John Larkin, Page, one day	3 00
Henry Durner, Page, one day	3 00
Percy Ross, Page, one day	3 00

ZUCK, Chairman.

Adopted.

Also:

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, having had under consideration the mileage of Senators and Lieutenant-Governor, beg leave to report that the following Senators and Lieutenant-Governor are entitled to mileage, under the Constitution, as follows:

NAMES.	Miles.	Amount.	NAMES.	Miles.	Amount.
Anderson	408	\$40 80	Kelly	168	\$16 80
Baker	240	24 00	Lampson	200	20 00
Burt	122	12 20	Langford	96	9 60
Brown	142	14 20	Moreland	314	31 40
Byrnes	218	21 80	Nelson	168	16 80
Carlock	550	55 00	Neumann	168	16 80
Chase	738	73 80	Nye	182	18 20
Cheney	372	37 20	Pardee	182	18 20
Conger	168	16 80	Pool	352	35 20
Davis	102	10 20	Rowell	338	33 80
Dickinson	168	16 80	Ryan	624	62 40
Enos	168	16 80	Satterwhite	1176	117 60
George	142	14 20	Sears	192	19 20
Glascock	160	16 00	Traylor	168	16 80
Gorman	168	16 80	Watson	142	14 20
Harlan	40	4 00	Wendell	80	8 00
Hill	392	39 20	West	1008	100 80
Hittell	168	16 80	Zuck	316	31 60
Hudson	96	9 60	Lieutenant-Governor, as		
Johnson			President of the Senate	956	95 60
Johnston	30	3 00			
Kane	168	16 80	Total		\$1,159 00

ZUCK, Chairman.

Adopted.

Also:

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred Senate Bill No. 29—An Act making an appropriation for the payment of mileage of Senators—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

ZUCK, Chairman.

RESOLUTIONS.

By Mr. Zuck:

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage recommend the adoption of the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed, in making out the payroll of the officers and employes of the Senate, to deduct one day's time from all such officers as have been retained by the Senate to serve for the twenty-fourth session, and that have been allowed pay for one day's time under the report of the Committee on Contingent Expenses and Mileage.

ZUCK, Chairman.

Adopted.

Mr. Kane asked to be excused from serving on Committee on Engronment.

So ordered.

INTRODUCTION OF BILLS.

By Mr. Satterwhite: Senate Bill No. 117—An Act to amend section one thousand and seventy of the Penal Code, and to reduce the number of peremptory challenges in criminal cases.

Read first time, and referred to Judiciary Committee.

By Mr. Wendell: Senate Bill No. 118—An Act to repeal section twenty-four of an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Senate Bill No. 119—An Act to divide the State into Senatorial and Assemblymen Districts, and provide for the election of Senators and Assemblymen therein.

Read first time, and referred to Committee on Apportionment.

By Mr. Johnson: Senate Bill No. 120—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library.

Read first time, and referred to the Committee on State Library.

Also, Senate Bill No. 121—An Act to provide for the erection of monuments at the graves of persons dying in this State.

Read first time, and referred to the Committee on Judiciary.

By Mr. Conger: Senate Bill No. 122—An Act to amend section one hundred and ninety of the Penal Code.

Read first time, and referred to the Committee on Judiciary.

By Mr. Anderson: Senate Bill No. 123—An Act to appropriate moneys to pay the deficiencies in the expenses of the late Constitutional Convention.

Read first time, and referred to Judiciary Committee.

By Mr. Zuck: Senate Bill No. 124—An Act to provide for the deficiency in the appropriation for the payment for stationery, lights, etc., for the legislative and State officers, during the thirty-first fiscal year.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 125—An Act to provide for the deficiency in the appropriation for postage and expressage in the Adjutant-General's office, during the thirty-first fiscal year.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 126—An Act to provide for the deficiency in the appropriation "for payment of postage and contingent expenses of Clerk of Supreme Court," during the thirty-first fiscal year.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 127—An Act to provide for the deficiency in the appropriation "for the repairs to State Capitol, and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 128—An Act to provide for the deficiency in the appropriation "for postage and expressage in the office of the Superintendent of Public Instruction," during the thirty-first fiscal year.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 129—An Act to provide for the payment of deficiencies in the appropriation "for pay for procuring and listing lands to the State by the United States," for the twenty-fourth and twenty-fifth fiscal years.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 130—An Act to provide for the deficiency in the appropriation for the payment of rewards offered by the Governor during the thirty-first fiscal year.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 131—An Act to pay the claim of L. L. Lewis & Co.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 132—An Act to provide for the deficiency in the appropriation for payment for armory rent and other expenses of National Guard, during the thirty-first fiscal year.

Read first time, and referred to Committee on Claims.

RESOLUTIONS.

By Mr. Watson:

Resolved, That the Sergeant-at-Arms be authorized to receive from the Controller the warrants due the officers and members of the Senate, and receipt therefor.

Adopted.

By Mr. Lampson:

Resolved, That the Secretary of State be authorized to furnish to Senators who are unsupplied any volume or volumes of Hittell's Codes that they may make requisition for, and the same shall be paid for out of the Contingent Fund of the Senate, and be returned to the Secretary of State at the end of the session.

Referred to Committee on Contingent Expenses.

GENERAL FILE.

Senate Concurrent Resolution No. 3—Relative to forwarding copies of certain laws to Superior Judges, District Attorneys, and County Clerks.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Dickinson, Glascock, Gorman, Harlan, Hittell, Johnson, Kane, Lampson, Moreland, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—24.

NOES—None.

Title read and approved.

ADJOURNMENT.

On motion of Mr. Dickinson, at ten o'clock and forty minutes A. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Monday, January 10, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Pardee, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday was read and approved.

REPORT.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, January 10, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 46—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code, defining what are common carriers—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family—and recommend its passage.

Also, Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to operation of statutes—and recommend its passage.

Also, Senate Bill No. 71—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration—and recommend its passage.

Also, Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code—and report the same with amendments, and recommend its passage as amended.

Also, Senate Bill No. 85—An Act to repeal section one thousand seven hundred and thirty-seven of the Code of Civil Procedure—and recommend that it be indefinitely postponed.

WENDELL, Chairman.

INTRODUCTION OF BILLS.

By Mr. Hittell: Senate Bill No. 133—An Act to amend section three thousand nine hundred and twenty-eight of the Political Code, relating to the boundaries and county seat of Sacramento County.

Read first time, and referred to the Committee on County and Township Governments.

By Mr. Baker: Senate Bill No. 134—An Act to provide for the improvement of Normal School Square, in the City of San José.

Read first time, and referred to the Committee on Public Buildings.

By Mr. Carlock: Senate Bill No. 135—An Act to authorize County Clerks of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled "An Act for the relief of the inhabitants of cities and towns upon the public lands," approved March second, eighteen hundred and sixty-seven.

Read first time, and referred to the Committee on Judiciary.

By Mr. Enos: Senate Bill No. 136—An Act to prevent summary dismissal of public officials and employes without just cause and public trial.

Read first time, and referred to the Committee on Judiciary.

By Mr. Cheney: Senate Bill No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 138—An Act to amend section thirty-two of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Read first time, and referred to Committee on Judiciary.

By Mr. Neumann: Senate Bill No. 139—An Act to confer powers upon the Supervisors, or other governing bodies of counties, cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed.

Read first time, and referred to Committee on Cities, and Cities and Counties, and Town Governments.

By Mr. Davis: Senate Bill No. 140—An Act to amend section three thousand eight hundred and sixty-six of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to settlement of County Treasurers with the State Controller, and payments into the State treasury.

Read first time, and referred to Committee on Finance.

Also, Senate Bill No. 141—An Act to amend sections three thousand seven hundred and seventy-three, three thousand seven hundred and seventy-six, three thousand seven hundred and seventy-seven, and three thousand eight hundred and sixteen, and to repeal section three thousand eight hundred and three of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the collection of property taxes.

Read first time, and referred to Committee on Finance.

By Mr. Neumann: Senate Bill No. 142—An Act to regulate craft proficiency, and for other purposes connected therewith.

Read first time, and referred to Committee on Capital and Labor.

By Mr. Enos: Senate Bill No. 143—An Act to prevent Trustees, Councils, Boards of Supervisors, and other local legislative bodies from holding secret meetings.

Read first time, and referred to Committee on City, City and County, and Town Governments.

By Mr. Gorman: Senate Bill No. 144—An Act to amend section one thousand one hundred and eighty-seven of the Political Code, in relation to the paper to be used for ballots.

Read first time, and referred to Committee on Elections.

Also, Senate Bill No. 145—An Act to ascertain and express the will of the people of the State of California upon the manner of electing President and Vice-President of the United States.

Read first time, and referred to Committee on Federal Relations.

By Mr. Anderson: Senate Bill No. 146—An Act to amend section two thousand six hundred and forty-five of the Political Code, relating to highways.

Read first time, and referred to Committee on Roads and Highways.

Also, Senate Bill No. 147—An Act concerning roads and highways in this State relating to counties of the third class.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Enos: Senate Bill No. 148—An Act prohibiting banks, or savings and loan societies, and the attorneys, counsel, and other employes thereof, from charging borrowers for searching or passing upon the title to property mortgaged to said banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies.

Read first time, and referred to Committee on Finance.

By Mr. Dickinson: Senate Bill No. 149—An Act to amend section two hundred and eighty-five of the Penal Code, relating to the punishment of incest.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 150—An Act to amend sections fifteen and sixty-six of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of

fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Read first time, and referred to Committee on Judiciary.

By Mr. Enos: Senate Bill No. 151—An Act relative to foreign insurance companies.

Read first time, and referred to Committee on Finance.

By Mr. Wendell: Senate Bill No. 152—An Act to amend section one thousand five hundred and twenty-one of the Political Code, relating to the powers and duties of the State Board of Education.

Read first time, and referred to Committee on Education.

Mr. Zuck asked leave to withdraw Senate Bills Nos. 125 and 132.

Granted.

By Mr. Rowell: Senate Bill No. 153—An Act to amend an Act entitled an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March twenty-fifth, eighteen hundred and eighty.

Read first time, and referred to Committee on Finance.

Also, Senate Bill No. 154—An Act to provide for the control, maintenance, and apprenticing of children in the orphan asylums of this State.

Read first time, and referred to Committee on Hospitals.

By Mr. Johnson: Senate Bill No. 155—An Act in relation to the business in which Chinese shall be permitted to engage in California.

Read first time, and referred to Committee on Chinese and Chinese Immigration.

Mr. Pardee introduced a memorial, in relation to the University of California.

Read, and referred to Committee on Finance.

RESOLUTIONS.

By Mr. Rowell: Senate Concurrent Resolution No. 6—Relating to Congressional aid for settlers on what is known as the Mussel Slough lands in this State.

Read first time, and referred to Committee on Federal Relations.

By Mr. Glascock:

Resolved, That the President of the Senate appoint a committee of five from the Senate, whose duty it shall be to investigate the management and affairs of works done under and by authority of an Act to promote drainage. That it shall be the duty of the committee to ascertain the amount of work done, and where located; the amount of money raised from all sources for this purpose, and the amount expended up to the present time; the manner of letting contracts, and the cost of work done; and report the same to the Senate as soon as practicable. And that the committee be authorized to send for persons, books, and papers, administer oaths, and take testimony.

Mr. Johnson moved to strike out "special committee," and that the subject-matter be referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

The ayes and noes were demanded by Messrs. Glascock, Davis, and Enos, and the roll was called, with the following result:

AYES—Messrs. Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Harlan, Hittell, Johnson, Kelly, Lampson, Nelson, Neumann, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuck.

NOES—Messrs. Anderson, Enos, Glascock, Gorman, Kane, Langford, Moreland, and Ryan.

Amendment adopted.

The resolution was adopted as amended.

By Mr. Sears: Senate Concurrent Resolution No. 7, relating to mining debris and channel obstructions.

Read first time, and placed on file.

By Mr. Zuck, from Committee on Contingent Expenses:

Resolved, That Senator B. J. Watson be and is hereby allowed as mileage the further sum of sixteen dollars and forty cents in addition to that heretofore reported by the Committee on Contingent Expenses and Mileage, and that the Controller be directed to draw his warrant therefor, on the Contingent Expense Fund.

Adopted.

GENERAL FILE.

Senate Bill No. 9—An Act to prevent the sale of adulterated milk.
Read second time.

The amendment to the title recommended by the committee was adopted.

On motion of Mr. Hittell, the bill was recommitted to the Judiciary Committee.

Senate Bill No. 15—An Act to amend sections eight hundred and forty-nine, eight hundred and sixty-eight, and nine hundred and two, of the Code of Civil Procedure, concerning proceedings in Justices' Courts.

Read second time, and, on motion of Mr. Nye, the bill was recommitted to the Judiciary Committee.

Senate Bill No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property in which deceased persons held a life estate which terminated and expired upon the death of such persons.

Read second time, and substitute recommended by the committee adopted, and ordered engrossed.

Senate Bill No. 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix.

Read second time.

Amendment of committee to section one adopted, and ordered engrossed.

Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official civil duties.

Read second time.

Amendments of the committee adopted, and ordered engrossed.

Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven, and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Amendments of committee to section four adopted.

Read second time, and ordered engrossed.

Senate Bill No. 25—An Act releasing to Wm. Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Read second time, and ordered engrossed.

RECESS.

On motion of Mr. Baker the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

The Senate reassembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Ryan, Traylor, and West.

Quorum present.

GENERAL FILE RESUMED.

Senate Bill No. 33—An Act to prevent hunting and shooting on private inclosed grounds in the State of California.

Read second time.

Substitute recommended by committee adopted.

On motion of Mr. Burt, bill recommitted to Committee on Agriculture.

Senate Bill No. 34—An Act to amend section seven hundred and twenty-six of an Act to establish a Code of Civil Procedure, relating to the foreclosure of mortgages.

Read second time.

On motion of Mr. Chase, bill made special order for first Monday in February, eighteen hundred and eighty-one, at three o'clock P. M.

Senate Bill No. 35—An Act to provide for and enforce liens of mechanics, material men, artisans, and laborers.

On motion of Mr. Kelly, bill re-referred to Judiciary Committee.

Senate Bill No. 36—An Act to amend title eleven, of part four, of the Civil Code, and each and every section thereof, and to substitute a new title eleven, of part four, to take the place thereof in said Code, relating to mining corporations.

On motion of Mr. Hittell, bill re-referred to Committee on Corporations.

Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-five of the Penal Code.

Read second time.

Amendments recommended by committee adopted, and bill ordered engrossed.

Senate Bill No. 42—An Act to amend section one thousand one hundred and seventy-four of the Penal Code.

On motion of Mr. Glascock, bill passed on file.

Senate Bill No. 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases, from Justice or Police Courts to the Superior Courts.

Read second time.

Amendments recommended by committee adopted, and bill ordered engrossed.

Senate Bill No. 45—An Act in relation to the killing of human beings, commonly called murder, and the punishment thereof.

On motion of Mr. Johnson, bill passed on file.

Senate Bill No. 47—An Act to amend section two thousand two hundred and nine of the Civil Code, in relation to damages awarded when telegraphic messages are refused or postponed.

Read second time, and bill ordered engrossed.

Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest.

Read second time, and bill ordered engrossed.

Senate Bill No. 29—An Act making an appropriation for the payment of mileage of Senators.

Read second time.

Amendments recommended by committee adopted.

Mr. Moreland offered the following amendment: "Strike out the words or figures 'one thousand one hundred and fifty-nine,' and insert in lieu thereof 'one thousand one hundred and seventy-five and forty one hundredths.'"

Adopted.

Mr. Enos asked leave of absence for Mr. Davis until to-morrow at two o'clock P. M.

Granted.

RESOLUTION.

By Mr. Cheney:

Resolved, That the following committees be, and they are hereby allowed clerks, viz.: Committee on Judiciary, Committee on Finance, Committee on Public Buildings, Committee on Corporations, Committee on State Prisons, Committee on Apportionment, Committee on Hospitals, Committee on Irrigation, Water Rights, Drainage, and Mining Claims, Committee on County Governments, Committee on City Governments, Committee on State Library, Labor and Capital, Fish and Game, and Chinese and Chinese Immigration, jointly; Committee on Engrossment, Committee on Elections and Education, Committee on Commerce and Navigation, and Military Affairs, jointly; Committee on Mines and Mining, and Public Printing, jointly; Committee on Public Swamp, and Overflowed Lands, Committee on Claims, Contingent Expenses, and Mileage, and Roads and Highways, jointly. Each clerk to receive a per diem of five dollars, except the clerk of the Committee on Judiciary, who shall receive a per diem of eight dollars, all payable out of the appropriation for the contingent expenses of the Senate. The per diem of each clerk to commence with the date named in the appointment to be filed with the Secretary of the Senate by the committee.

Adopted.

ADJOURNMENT.

On motion of Mr. Cheney, at one o'clock and fifty-five minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 11, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

On motion of Mr. Neumann, the election of United States Senator was made the special order for twelve o'clock M., to-day.

SPECIAL ORDER—TUESDAY, JANUARY ELEVENTH.

Consideration of Governor's message, relative to appointments, immediately after reading the Journal.

The Senate was considered as in executive session, for the purpose of considering the appointments of the Governor in their order.

Upon the question, "Will the Senate advise and consent to the appointment of Donald McClellan as a Director of the Insane Asylum, vice self, term expired?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—39.

NOES—None.

Whereupon the Chair announced the appointment of Donald McClellan, as a Director of the Insane Asylum, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Lewis M. Cutting, as a Director of the Insane Asylum, vice Stewart, term expired?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—37.

NOES—None.

Whereupon the President announced the appointment of Lewis M. Cutting, as a Director of the Insane Asylum, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John A. Stanly as a Trustee of the Asylum for the Deaf, Dumb, and Blind, vice self, term expired?" Mr. Cheney moved that the confirmation of Mr. Stanly be made the special order for to-morrow, immediately after the reading of the Journal.

Carried.

Upon the question, "Will the Senate advise and consent to the appointment of Joseph A. Coolidge as Pilot Commissioner for the port of San Francisco, vice Willustun, deceased?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Traylor, Watson, Wendell, West, and Zuck—34.

NOES—Mr. Satterwhite—1.

Whereupon the President announced the appointment of Joseph A. Coolidge, as Pilot Commissioner for the port of San Francisco, duly confirmed.

Upon the question, "Will the Senate advise and consent to the

appointment of George D. Dornin Trustee of the Asylum for the Deaf, Dumb, and Blind, vice Toland deceased?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—None.

Whereupon the President announced the appointment of George D. Dornin, Trustee of the Asylum for the Deaf, Dumb, and Blind, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of N. Greene Curtis as a Regent of the University of California, vice Moss, deceased?" the roll was called with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Chase, Enos, Glascock, Gorman, Harlan, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and Traylor—18.

NOES—Messrs. Baker, Burt, Carlock, Cheney, Conger, Dickinson, George, Hill, Hittell, Hudson, Johnson, Lampson, Neumann, Nye, Pardee, Rowell, Watson, Wendell, West, and Zuck—20.

Whereupon the President announced the appointment of N. Greene Curtis, as a Regent of the University of California, not confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of A. K. P. Harmon, Trustee of the Asylum for the Deaf, Dumb and Blind, vice Moss, deceased?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—Messrs. Enos and Glascock—2.

Whereupon the President announced the appointment of A. K. P. Harmon, Trustee of the Asylum for the Deaf, Dumb and Blind, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Chester Rowell, member of the State Board of Health, vice Granness, deceased?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

Whereupon the President announced that the appointment of Chester Rowell, as member of the State Board of Health, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of T. G. Phelps, Regent of the University of California, vice Bidwell, resigned, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—None.

Whereupon the President announced the appointment of T. G. Phelps, as Regent of the University of California, duly confirmed.

REPORTS OF COMMITTEES.

By Mr. Pardee:

MR. PRESIDENT: Your Committee on Finance beg leave to report that they have duly examined Senate Bill No. 37—An Act to amend section four thousand and eighty three of the Political Code, relating to reports of County Auditors—and recommend that it do pass.

Also, Senate Bill No. 39—An Act to appropriate money for the support of aged and indigent women—and recommend its passage.

Also, Senate Bill No. 50—An Act to prohibit the further appropriation of money out of the State treasury, for the support of the National Guard—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 54—An Act to authorize the State Treasurer to pay Controller's warrants, drawn for the payment of the per diem and mileage of Lieutenant Governor, members of the Legislature, officers and clerks of the Legislature, and the contingent expenses of the Senate and Assembly—and recommend its passage.

Also, Senate Bill No. 68, and Senate Bill No. 69—Relating to the investment of moneys derived from State school lands—and recommend that they do pass.

PARDEE, Chairman.

By Mr. Dickinson:

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred the resolution introduced by Senator Kane—that the Adjutant General furnish the Senate a complete list of officers and members of the National Guard killed, wounded, or maimed while in the service of the State of California, with date of enlistment, date of battle, and nature of case. Also, a list of all battles and skirmishes in which the National Guard have participated—have had the same under consideration, and beg leave to make the following report:

We have consulted with the Adjutant General, examined the records of his office, and find that to furnish the information called for by this resolution, it will take two clerks at least thirty days of steady work to go through the records, and compile the desired information. We recommend the employment of the said two clerks, to work under the direction of the Adjutant General, at a per diem of five dollars each, to be paid out of the contingent fund of the Senate.

The Adjutant General has not sufficient clerical force under his control to compile this information within the time of the present session of this Senate.

We beg leave to present a few reasons why it is necessary to employ these clerks:

The National Guard of California has existed for thirty years, and much active service has been rendered in that time. The California Hundred, and California Cavalry Battalion, comprising some five hundred officers and men, left San Francisco in December, eighteen hundred and sixty-two, and March, eighteen hundred and sixty-three, and joined the Army of the Potomac, and were subsequently with Sheridan in the Shenandoah Valley. They lost in killed one hundred and fifty-six men. Many others were maimed in the many battles in which they were engaged to the close of the war. California furnished, during the civil war, eight regiments of infantry, two regiments of cavalry, one battalion of mountaineers, one battalion of native cavalry, the whole aggregating not less than twenty thousand men. Again, California furnished many men to the frequent Indian wars which occurred during the period from eighteen hundred and fifty to eighteen hundred and sixty, and many National Guardsmen yielded up their lives in those struggles. There have been at least twelve hundred National Guardsmen who have been killed, and the number of wounded and maimed, many of them for life, is much larger. Many entire organizations of the National Guard entered active service in the above regiments and battalions.

In view of these facts, your committee recommend the adoption of the following resolution:

Resolved, That the Committee on Military Affairs be and they are hereby authorized and directed to employ two clerks, at a per diem not exceeding five dollars each, for thirty days, who shall, under the direction of the Adjutant General, compile the information called for by the resolution of Senator Kane, introduced on January fourth, eighteen hundred and eighty-one.

DICKINSON, Chairman.

On motion of Mr. Dickinson, the resolution was ordered to the file.
By Mr. Carlock:

SENATE CHAMBER, SACRAMENTO, January 11, 1881.

MR. PRESIDENT: The Committee on Fish and Game, to whom was referred Senate Bill No. 61—An Act "to amend section six hundred and thirty-four of the Penal Code, relating to violations of the law for the preservation of fish," have had the same under consideration, report it back, with amendments, and recommend its passage as amended.

CARLOCK, Chairman.

By Mr. Zuck :

SENATE CHAMBER, SACRAMENTO, January 11, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz:

"Resolved, That the Secretary of State be authorized to furnish to Senators who are unsupplied any volume or volumes of Hittell's Codes that they may make requisition for, and the same shall be paid for out of the Contingent Fund of the Senate, and be returned to the Secretary of State at the end of the session; "

Have had the same under consideration, and report back, recommending that the same be not adopted.

ZUCK, Chairman.

Adopted.

By Mr. Wendell :

SENATE CHAMBER, SACRAMENTO, January 11, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 9—An Act to prevent the sale of adulterated milk—have had the same under consideration, and report the same with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 57—An Act to amend the Political Code of the State of California, by adding a new section thereto—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 63—An Act to amend the Penal Code by adding two new sections thereto, to be known as sections nine hundred and sixty-nine and one thousand and twenty-five, providing for proceedings in cases where previous conviction is charged—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 58—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight of the Code of Civil Procedure, relating to the venue in civil actions—and recommend its passage.

Also, Senate Bill No. 48—An Act to regulate the rate of charges on telegraph lines, and to prevent extortion by owners of telegraph lines—and report the same with amendments, and recommend its passage as amended.

Also, Senate Bill No. 70—An Act to amend section six hundred and sixty-seven of the Penal Code, concerning the punishment of a second offense after conviction of petit larceny, or an attempt to commit a State Prison offense—and recommend that it do not pass.

Also, Senate Bill No. 72—An Act to repeal subdivision two of section nine hundred and ninety-five of the Penal Code, and to renumber sections three and four—and recommend that it be returned to the author for correction.

Also, Senate Bill No. 73—An Act to repeal section nine hundred and forty-three of the Penal Code—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 84—An Act to amend section four thousand two hundred and four of the Political Code, relating to the duties of County Clerks—and return the same, and recommend that it be referred to the Committee on County and Township Governments.

Also, Senate Bill No. 79—An Act to amend section one thousand two hundred and forty-nine of the Penal Code—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 87—An Act to enforce the provisions of section three of article twelve of the Constitution—and report the same with amendments, and recommend its passage as amended.

Also, Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to commitment of insane persons—and recommend its passage.

WENDELL, Chairman.

By Mr. Johnson :

SENATE CHAMBER, January 11, 1881.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation—have had the same under consideration, and now report the same and recommend its passage.

GROVE L. JOHNSON,
For a majority of the Committee.

By Mr. Wendell :

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, respectfully dissent from the report of the majority of said committee recommending the passage of Senate Bill No. 76—"An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation"—and recommend that the bill do not pass.

J. F. WENDELL.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, January 10, 1881.)

To the Senate of the State of California :

I herewith transmit to your honorable body the report of the Board of Directors on Drainage District Number One.

GEORGE C. PERKINS, Governor.

Referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

INTRODUCTION OF BILLS.

By Mr. Carlock: Senate Bill No. 156—An Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, and one thousand eight hundred and eighty-seven, relating to the issuance of bonds by the trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

Read first time, and referred to the Committee on Education.

By Mr. Hill: Senate Bill No. 157—An Act to punish baggage smashers.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 158—An Act to amend an Act entitled "An Act to amend sections three thousand three hundred and thirty-five and three thousand three hundred and thirty-seven of the Political Code," approved April first, eighteen hundred and seventy-eight, relating to the organization of fire companies.

Read first time, and referred to the Committee on City, City and County, and Town Governments.

By Mr. Lampson: Senate Bill No. 159—An Act to encourage the destruction of coyotes.

Read first time, and referred to the Committee on Agriculture.

By Mr. Enos: Senate Bill No. 160—An Act relative to insurance policies.

Read first time, and referred to the Committee on Corporations.

By Mr. Wendell: Senate Bill No. 161—An Act to amend an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, by adding a new section thereto to be known as section thirty, providing what lands shall be included in drainage districts.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

By Mr. Ryan: Senate Bill No. 162—An Act to regulate licenses for the sale of liquors.

Read first time, and referred to Committee on Public Morals.

By Mr. Johnson: Senate Bill No. 163—An Act to amend section three hundred of the Penal Code, in relation to keeping open places of business on Sunday.

Read first time, and referred to Judiciary Committee.

Also, a memorial accompanying, which was ordered printed.

By Mr. Enos: Senate Bill No. 164—An Act to establish a simple and inexpensive system of procedure in civil cases.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 165—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Read first time, and referred to Judiciary Committee.

RESOLUTION.

By Mr. Zuck:

Resolved. That a new standing committee be created, consisting of five members, to be known as the Yosemite Committee.

Laid over one day, under the rules.

On motion of Mr. Johnson the, usual number of copies of Yosemite bills ordered printed.

GENERAL FILE.

Senate Bill No. 42—An Act to amend section one thousand seven hundred and seventy-four of the Penal Code.

Passed on file, and made special order for Monday, after reading of the Journal.

Senate Bill No. 45—An Act in relation to the killing of human beings, commonly called murder, and the punishment thereof.

Passed on file.

Senate Bill No. 46—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code, defining what are common carriers.

Read second time, and ordered engrossed.

Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family.

Read second time, and ordered engrossed.

Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to operation of statutes.

Read second time, and ordered engrossed.

Senate Bill No. 71—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration.

Read second time, and ordered engrossed.

Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 85—An Act to repeal section one thousand seven hundred and thirty-seven of the Code of Civil Procedure.

Read second time, and indefinitely postponed.

RESOLUTION.

By Mr. Carlock:

Resolved. That the Minute Clerk be authorized to appoint an Assistant Minute Clerk, at a per diem of six dollars, payable out of the appropriation for the contingent expenses of the Senate, the appointment to date the third instant.

Referred to the Committee on Contingent Expenses.

By Mr. Nye:

Resolved, That there be printed for the use of the Senate three hundred and sixty extra copies of Senate Bill Number Forty.

Adopted.

By Mr. Chase: Senate Concurrent Resolution No. 8, relating to the prohibition of importation of alcoholic liquors.

Read and referred to Committee on Public Morals.

By Mr. Dickinson: Senate Bill No. 166—An Act to provide for fixing the rates of compensation for water supplied for domestic and other uses, within the corporate limits of cities and counties, cities, or towns in the State of California.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

RECESS.

On motion of Mr. Johnson, at eleven o'clock and fifteen minutes A. M. the Senate took a recess until eleven o'clock and fifty-five minutes A. M.

REASSEMBLED.

The Senate reassembled at eleven o'clock and fifty-five minutes A. M. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

BALLOTING FOR UNITED STATES SENATOR.

Mr. Davis offered the following resolution:

Resolved, That the Senate do now proceed to ballot for a candidate for the office of United States Senator for the term of six years, beginning March fourth, eighteen hundred and eighty-one.

Adopted.

The President of the Senate directed the Secretary to read the Act of Congress, as follows:

TITLE II, CHAPTER I, United States Revised Statutes.

An Act to regulate the time and manner of holding elections for Senator in Congress, approved July twenty-fifth, eighteen hundred and sixty-six.

SEC. 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person voted so for, who received a majority of the whole number of votes cast in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M., of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall

convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each House, or if either House has failed to take proceedings as required by that section, the Joint Assembly shall then proceed to choose by a *per-capite* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock m., of each succeeding day during the session of the Legislature, and shall take at least one vote, until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen, to certify his election under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The President announced that nominations were now in order for a United States Senator in Congress, for the term of six years from March fourth, A. D. eighteen hundred and eighty-one.

Mr. Sears nominated the Hon. John F. Miller.

Mr. Moreland nominated the Hon. William T. Wallace.

Mr. Chase nominated Henry George.

The President declared nominations closed, and in accordance with the requirements of the section of the Act above quoted, the Secretary called the roll of the Senate, and each Senator announced the name of the person for whom he voted, as follows :

For John F. Miller—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—27.

For William T. Wallace—Messrs. Anderson, Enos, Glascock, Harlan, Kelly, Langford, Moreland, Nelson, Pool, and Ryan—10.

For Henry George—Messrs. Chase and Gorman—2.

Whole number of votes cast.....	39
Necessary to a choice.....	21
John F. Miller received.....	27
William T. Wallace received.....	10
Henry George received.....	2

RESOLUTION.

By Mr. Neumann :

Resolved, That the Secretary of the Senate report forthwith to the Assembly the action taken by the Senate concerning the election of a United States Senator.

Adopted.

ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 11, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January eleventh, eighteen hundred and eighty-one, adopted the following resolution :

Resolved, That the Clerk forthwith inform the Senate of the vote for United States Senator in this House, and that the Senate be requested to meet in the Assembly Chamber, tomorrow, January twelfth, eighteen hundred and eighty-one, in Joint Assembly, for the purpose of electing a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six."

General John F. Miller received.....	42 votes.
Judge W. T. Wallace received.....	34 votes.
C. P. Berry received.....	2 votes.
C. T. Ryland received.....	1 votes.

GEO. E. McSTAY, Chief Clerk.
Per FRANK J. HIGGINS, Assistant Clerk.

On motion of Mr. Neumann, the Secretary was instructed to inform the Assembly that the Senate will meet it in Joint Convention at twelve o'clock, meridian, on to-morrow.

RESOLUTION.

By Mr. Cheney:

Resolved, That R. C. Furguson be appointed Porter of the Senate, Geo. B. Johnson, Rear Porter, at a salary of four dollars per day, and David M. Foltz, and Edward S. Brown be appointed Pages, at a salary of three dollars per day, all payable out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses.

ADJOURNMENT.

On motion of Mr. Enos, at twelve o'clock and fifty-five minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 12, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, and approval temporarily postponed.

Leave was granted Mr. Satterwhite to record his vote in favor of Hon. W. T. Wallace.

SPECIAL ORDER—TUESDAY, JANUARY TWELFTH.

Consideration of confirmation of appointment by the Governor of Mr. John A. Stanly.

Mr. Johnson moved that special order be postponed until to-morrow morning, immediately after reading of Journal.

Carried.

Mr. Enos arose to a question of privilege.

REPORTS OF COMMITTEES.

By Mr. Burt:

SENATE CHAMBER, Wednesday, January 12, 1881.

MR. PRESIDENT: Your Committee on Public Morals beg leave to report that they have had under consideration Senate Bill No. 19, relative to the sale and use of opium, and report the same back, recommending that it do pass.

BURT, Chairman.

INTRODUCTION OF BILLS.

By Mr. Enos: Senate Bill No. 167—An Act entitled "An Act to define the duties and liabilities of pawnbrokers and pledgees."

Read first time, and referred to the Committee on Corporations.

By Mr. Hill: Senate Bill No. 168—An Act to amend section three thousand three hundred and eighty-one of the Political Code, relating to retail liquor licenses.

Read first time, and referred to Committee on Public Morals.

By Mr. Hittell: Senate Bill No. 169—An Act relative to the publication of the statutes and joint and concurrent resolutions of the Legislature.

Read first time, and referred to the Committee on Judiciary.

By Mr. Kelly: Senate Bill No. 170—An Act to add new sections to the Political Code, to be known as sections six hundred and thirty-five, six hundred and thirty-six, six hundred and thirty-seven, and six hundred and thirty-eight, prescribing additional duties to the Insurance Commissioner.

Read first time, and referred to the Committee on Corporations.

By Mr. Enos: Senate Bill No. 171—An Act prohibiting judicial officers from accepting other employment.

Read first time, and referred to the Committee on Judiciary.

By Mr. Langford: Senate Bill No. 172—An Act to amend section two thousand two hundred and ninety-six of the Political Code, relative to the taking of books from the State Library.

Read first time, and referred to the Committee on State Library.

Also, Senate Bill No. 173—An Act to regulate the payment of license fees by merchants and others

Read first time, and referred to Committee on Finance.

By Mr. Brown: Senate Bill No. 174—An Act to appropriate money to pay W. T. Hume for services as stenographer to the State of California.

Read first time, and referred to Committee on Claims.

President pro tem. Johnston in the chair.

By Mr. Hittell (by request): Senate Bill No. 175—An Act to amend section seven hundred and thirty-nine of the Code of Civil Procedure, relating to actions to determine conflicting claims to real property.

Read first time, and referred to Committee on Judiciary.

GENERAL FILE.

Senate Bill No. 45—An Act in relation to the killing of human beings, commonly called murder, and the punishment thereof.

Ordered head of file for Tuesday next.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. George:

SENATE CHAMBER, January 12, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bills, viz:

Senate Bill No. 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix.

Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official duties.

Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven, and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Senate Bill No. 25—An Act releasing to William Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code, in relation to preparation, presentation, and settlement of bills of exception in criminal cases.

Senate Bill No. 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases from Justice or Police Courts to the Superior Courts.

Senate Bill No. 47—An Act to amend section two thousand two hundred and nine of the Civil Code, in relation to damages awarded when telegraphic messages are refused or postponed.

Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest.

Senate Bill No. 29—An Act making appropriation for the payment of mileage of Senators and Lieutenant-Governor.

Senate Bill No. 46—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code, defining what are common carriers.

Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to property set apart to the use of the family.

Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to the operation of statutes.

Senate Bill No. 71—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration.

Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment of the crime of battery.

GEORGE, Chairman.

GENERAL FILE RESUMED.

Senate Concurrent Resolution No. 7—Relative to appropriations by General Government for carrying out important improvements.

Read second time, and ordered engrossed.

Senate Bill No. 37—An Act to amend section four thousand and eighty-three of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to reports of County Auditors.

Passed on file.

Senate Bill No. 39—An Act to appropriate money for the support of aged and indigent women.

Read second time, and ordered engrossed.

REPORTS OF COMMITTEES.

By Mr. Sears (by leave):

SENATE CHAMBER, SACRAMENTO, January 12, 1881.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 96—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 36—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 93—report the same back and recommend that it be indefinitely postponed.

SEARS, Chairman.

GENERAL FILE RESUMED.

Senate Bill No. 50—An Act to prohibit the further appropriation of money out of the State Treasury for the support of the National Guard.

On motion of Mr. Johnson, indefinitely postponed.

Senate Bill No. 54—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the payment of the per diem and mileage of the Lieutenant-Governor, members of the Legislature, officers, and clerks of the Legislature, and the contingent expenses of the Senate and Assembly.

Read second time, and ordered engrossed.

Senate Bill No. 68—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the money derived from State school lands in the bonds of the several counties of the State," approved February second, eighteen hundred and seventy-two.

President Mansfield in the chair.

Bill passed on file until to-morrow.

Senate Bill No. 37—An Act to amend section four thousand and eighty-three of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to reports of County Auditors.

On motion of Mr. Davis, taken up, read second time, and ordered engrossed.

Senate Bill No. 69—An Act to amend sections six hundred and eighty and six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the investment of the proceeds of the sale of State school lands, and other moneys.

Passed on the file until to-morrow.

Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violations of the law for the preservation of fish.

Read second time, amendments of committee adopted, and bill ordered engrossed.

On motion of Mr. Traylor, the Journal of yesterday was approved.

On motion of Mr. Davis, at eleven o'clock and thirty minutes A. M., the Senate took a recess until eleven o'clock and fifty-five minutes A. M.

REASSEMBLED.

The Senate reassembled at eleven o'clock and fifty-five minutes A. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Dickinson moved that the Senate now proceed to the Assembly Chamber, for the purpose of meeting that body in Joint Convention, for the election of a United States Senator.

Carried.

At the hour of twelve m., the Senators and officers of the Senate proceeded to the Assembly Chamber.

IN JOINT ASSEMBLY.

Wednesday, January 12, 1881, 12 o'clock, meridian.

Pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six," the Senate and Assembly met in joint assembly, the Hon. John Mansfield, Lieutenant-Governor and President of the Senate, in conjunction with the Hon. W. H. Parks, Speaker of the Assembly, presiding.

The roll of the Senate was called by the Secretary, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members responded:

Messrs. Alvino, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crampton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McAllion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

All the members present.

The President directed the Secretary of the Senate to read the Act of Congress requiring a Joint Assembly to be held this day, as follows:

TITLE II, CHAPTER I, United States Revised Statutes.

An Act to regulate the time and manner of holding elections for Senator in Congress, approved July twenty-fifth, eighteen hundred and sixty-six.

SEC. 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person voted so for, who received a majority of the whole number of votes cast in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock m., of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each House, or if either House has failed to take proceedings as required by that section, the Joint Assembly shall then proceed to choose by a *viva voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock m., of each succeeding day during the session of the Legislature, and shall take at least one vote, until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday

after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section, for the election of a Senator for a full term.

Sec. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

Sec. 18. It shall be the duty of the Executive of the State, from which any Senator has been chosen, to certify his election under the seal of the State, to the President of the Senate of the United States.

Sec. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate read from the Journal of the Senate, so much of the proceedings of Tuesday, the eleventh instant—the same being the second Tuesday after the organization of the twenty-fourth session of the Legislature—as relates to a ballot for the election of a United States Senator to succeed the Honorable Newton Booth, whereby it appeared that thirty-nine Senators were present and voted, each his choice, and that the Honorable John F. Miller had received twenty-seven votes, being a majority of all the votes so cast.

The President announced that, by the vote cast in the Senate yesterday, under the Act of Congress just read, the Hon. John F. Miller received twenty-seven votes, the Hon. William T. Wallace received ten votes, and Henry George received two votes; that, therefore, John F. Miller had received a majority of all the votes in the Senate.

The Chief Clerk of the Assembly read so much of the Journal of the Assembly as related to the proceedings of that body, in regard to the election of a United States Senator, held in accordance with the Act of Congress above referred to, and it appeared that seventy-nine members of the Assembly were present, and voted, each his choice, and that John F. Miller had received a majority of all the votes cast.

The Speaker announced that the whole number of votes cast in the Assembly, yesterday, was seventy-nine, of which Mr. John F. Miller received forty-two votes; Mr. Wallace received thirty-four votes; Mr. C. P. Berry received two votes, and Mr. C. T. Ryland received one vote. That, therefore, John F. Miller, having received a majority of all the votes of the House, I now declare him to be the choice of the Assembly for United States Senator.

The President of the Senate then announced that "the Hon. John F. Miller, having received a majority of all the votes in both Houses of the Legislature, yesterday, I now declare him duly elected United States Senator for the State of California, for six years, beginning on the fourth day of March, A. D. eighteen hundred and eighty-one."

Mr. Davis moved that the minutes of proceedings in Joint Convention be read.

So ordered, and minutes approved.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Sears, the Joint Assembly adjourned.

JNO. MANSFIELD, President of the Senate.
W. H. PARKS, Speaker of Assembly.

IN SENATE.

At twelve o'clock and twenty-five minutes P. M. the Senate reassembled.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

RECESS.

On motion of Mr. Sears, at twelve o'clock and thirty minutes P. M., the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

GENERAL FILE RESUMED.

Senate Bill No. 9—An Act to prevent the sale of adulterated milk.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 57—An Act to amend the Political Code of the State of California by adding a new section thereto.

Made special order for Wednesday next at the head of Second Reading File.

Senate Bill No. 63—An Act to amend the Penal Code by adding two new sections thereto, to be known as sections nine hundred and sixty-nine and one thousand and twenty-five, providing for proceedings in cases where previous conviction is charged.

Read second time, amendments of committee adopted, and bill ordered engrossed.

President pro tem. in the chair.

Senate Bill No. 58—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight of the Code of Civil Procedure, relating to the venue in civil actions.

Read second time.

Mr. Dickinson moved that the bill be indefinitely postponed.

Mr. Davis offered the following amendment:

Insert after the word "action," in line five, section four, the following: "or in the county where the cause of action accrued."

Lost.

The question being on engrossment, the roll was called with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, George, Glasecock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Sears, Watson, Wendell, West, and Zuck—29.

NOES—Messrs. Baker, Byrnes, Conger, Dickinson, Enos, Hittell, Neumann, and Traylor—8.

Bill ordered engrossed.

Senate Bill No. 48—An Act to regulate the rate of charges on telegraph lines, and to prevent extortion by owners of telegraph lines.

Read second time.

Substitute reported by committee adopted.

Mr. Johnson offered the following amendment to section one:

"Strike out the words "*Provided*, that lower rates may be agreed upon by contract."

Adopted.

Mr. Johnson offered the following amendment to section one:

"*Provided*, that in all cases where the charge for sending a message shall, by the reduction herein provided for be an amount not a multiple of five cents, the amount so charged shall include the full amount of five cents whenever the fraction is two and a half cents or more."

Adopted.

Mr. Carlock offered the following amendment to section one:

Add the words: "*Provided further*, that such reduction shall not apply to night messages, which are now sent at half rates."

Adopted.

Mr. Neumann offered the following amendment:

Amend section one by inserting "seventy-five per cent." instead of "eighty-five per cent."

Adopted.

Mr. Neumann offered the following as a new section, to be section four:

"No such company shall, under any pretext, claim, demand, or exact any further or other compensation than that allowed by this Act, either for delivering the same or otherwise, unless the place of delivery be situated more than one mile from the office of such company."

Adopted.

Mr. Ryan offered the following amendment to section three:

Amend section three by striking out the word "fifty," so as to make it read "two hundred miles."

Mr. Enos moved that the bill be recommitted to the Judiciary Committee.

Upon which the ayes and noes were demanded by Messrs. Enos, Ryan, and Kelly.

The roll was called, with the following result:

AYES—Messrs. Enos, Gorman, Kane, Kelly, Nelson, Pardee, and Ryan—7.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Neumann, Nye, Pool, Rowell, Sears, Traylor, Watson, Wendell, and West—30.

Lost.

The question being upon the adoption of the amendment of Mr. Ryan, it was declared lost.

Mr. Johnson moved the following amendment:

Add to section three as follows: "And as to said lines, the charges shall not exceed the same as was charged January first, eighteen hundred and eighty-one."

Adopted.

Mr. Sears offered the following amendment:

Amend section one, line six by inserting after the word "California," the words "of over two hundred and fifty miles in length."

Adopted.

On motion of Mr. Johnson, the vote by which the amendment of Mr. Sears to line six of section one was adopted, was reconsidered.

On motion of Mr. Johnson, the amendment was declared lost.

Mr. Neumann offered the following amendment:

Amend section three by inserting "section one of" before the words "this Act."

Adopted.

Bill, as amended, ordered engrossed.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,)
Thursday, January 13, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

SPECIAL ORDER.

January thirteenth, eighteen hundred and eighty-one, immediately after reading Journal—Consideration of confirmation of appointment by the Governor of Mr. John A. Stanly.

On motion of Mr. Cheney, made special order for Monday afternoon next, immediately after roll call.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, Wednesday, January 12, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bill: No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property held by life estate.

GEORGE, Chairman.

INTRODUCTION OF BILLS.

By Mr. Enos: Senate Bill No. 176—An Act to provide compensation for assessing, collecting, and paying the public revenue into the State treasury.

Read first time, and referred to Finance Committee.

By Mr. Baker (by request): Senate Bill No. 177—An Act fixing the jurisdiction and prescribing compensation for Justices of the Peace in cities and counties.

Read first time, and referred to Judiciary Committee.

By Mr. Sears: Senate Bill No. 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code.

Read first time, and referred to Finance Committee.

By Mr. Neumann: Senate Bill No. 179—An Act to amend section three hundred and eighty-five of the Political Code, concerning the salary of the private Secretary of the Governor, and to add a new section thereto, relative to the salary of the Clerk of the Board of Examiners.

Read first time, and referred to Judiciary Committee.

By Mr. Conger: Senate Bill No. 180—An Act for the regulation of hotels, lodging houses, and sleeping apartments, for sanitary purposes, and for the enforcement of the same, in an incorporated city, or city and county.

Read first time, and referred to the Committee on Chinese and Chinese Immigration.

By Mr. Brown: Senate Bill No. 181—An Act to pay the claim of James Saultry.

Read first time, and referred to the Judiciary Committee.

Also, Senate Bill No. 182—An Act to pay the claim of Hiram Clock.

Read first time, and referred to the Judiciary Committee.

Also, Senate Bill No. 183—An Act to amend section two thousand seven hundred and fifty-six of the Civil Code, and to add a new section to the same Code, to be known as section two thousand seven hundred and fifty-seven, concerning fire insurance.

Read first time, and referred to the Committee on Corporations.

By Mr. Langford: Senate Bill No. 184—An Act entitled "An Act to amend Article Twelve of the Constitution of the State of California."

Read first time, and referred to the Committee on Corporations.

By Mr. Hittell: Senate Bill No. 185—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April first, eighteen hundred and seventy-two.

Read first time, and referred to the Judiciary Committee.

By Mr. Nelson: Senate Bill No. 186—An Act to amend sections two thousand four hundred and thirty, two thousand four hundred and fifty-seven, two thousand four hundred and fifty-eight, two thousand four hundred and sixty-four, two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, and two thousand four hundred and sixty-eight, of the Political Code, in relation to pilots and pilot regulations.

Read first time, and referred to the Committee on Commerce and Navigation.

REPORTS OF COMMITTEES.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, JANUARY 13, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

"Resolved, That the Minute Clerk be authorized to appoint an Assistant Minute Clerk, at a per diem of six dollars, payable out of the appropriation for the contingent expenses of the Senate, the appointment to date the third instant;"

Have had the same under consideration, report back, and recommend that the same be adopted.

Also, the following, viz.:

"Resolved, That R. C. Ferguson be appointed Porter of the Senate, Geo. B. Johnson, Rear Porter, at a salary of four dollars per day, and David M. Foltz, and Edward S. Brown be appointed Pages, at a salary of three dollars per day, all payable out of the Contingent Fund of the Senate;"

And recommend that the same be adopted.

ZUCK, Chairman.

Adopted.

By Mr. West: Senate Bill No. 187—An Act to establish a Branch State Normal School.

Read first time, and referred to Committee on Public Buildings.

By Mr. Moreland: Senate Concurrent Resolution No. 9—Asking an appropriation to improve Petaluma Creek.

Read and referred to Committee on Commerce and Navigation.

By Mr. Neumann: Senate Concurrent Resolution No. 10—Concerning the transfer of mineralogical specimens to the Mining Bureau.

Read, and referred to Committee on Mines and Mining.

By Mr. Chase: Senate Concurrent Resolution No. 11—Concerning free coinage of silver into legal tender coins.

Read, and ordered on file.

By Mr. Enos: Senate Bill No. 188—An Act to amend sections one thousand four hundred and one and one thousand four hundred and two of the Civil Code, relating to the disposition of the community property on the death of either husband or wife.

Read first time, and referred to Committee on Judiciary.

By Mr. Hill: Senate Bill No. 189—An Act to amend an Act entitled an Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses.

Read first time, and referred to Committee on Judiciary.

By Mr. Langford: Senate Bill No. 190—An Act to prevent injury to agricultural lands in this State, by the tailings and debris from hydraulic and placer mines.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

By Mr. Enos: Senate Concurrent Resolution No. 12—Relative to the payment of claims for transporting and equipment of troops.

Read first time, and referred to Committee on Federal Relations.

By Mr. Dickinson: Senate Bill No. 191—An Act to pay the claim of W. C. Guirey.

Read first time, and referred to Committee on Claims.

By Mr. Enos: Senate Bill No. 192—An Act to add certain new sections to the Civil Code of the State of California, to be known as, and numbered, sections six hundred and thirty-three, six hundred and thirty-four, six hundred and thirty-five, six hundred and thirty-six, six hundred and thirty-seven, and six hundred and thirty-eight, (division first, part four, title fifteen,) relating to gas corporations.

Read first time, and referred to Committee on Corporations.

SECOND READING.

Senate Bill No. 68—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of the State," approved February second, eighteen hundred and seventy-two.

Recommitted to Finance Committee.

Senate Bill No. 69—An Act to amend sections six hundred and eighty and six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the investment of the proceeds of the sale of State school lands and other moneys.

Recommitted to Finance Committee.

Senate Bill No. 70—An Act to amend section six hundred and sixty-seven of the Penal Code, concerning the punishment of a second offense after conviction of petit larceny, or an attempt to commit a State Prison offense.

Passed temporarily.

Senate Bill No. 73—An Act to repeal section nine hundred and forty-three of the Penal Code.

Placed foot of file.

Senate Bill No. 79—An Act to amend section one thousand two hundred and forty-nine of the Penal Code, in relation to appeals in criminal cases.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 87—An Act to enforce the provisions of section three, of article twelve, of the Constitution.

Read second time, substitutes and amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to the commitment of insane persons.

Read second time, and ordered engrossed.

Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation.

Read second time, and ordered engrossed by a division of the vote as follows: Ayes, 15; noes, 11.

Resolution—Relative to employing clerks to compile information in the Adjutant-General's office.

On motion of Mr. Wendell, the resolution was laid upon the table.

On motion of Mr. Sears, the message of the Governor was now taken up.

MESSAGE OF THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 12, 1887.

To the Senate of the State of California:

I am advised by your honorable body of the failure to confirm the nomination of N. Greene Curtis as a member of the Board of Regents of the State University, and believing there must be some unexplained reason for this refusal to confirm, and being further persuaded you would not permit the political antecedents of the gentleman named to influence you, you being aware that the fundamental law relating to the University declares "it shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its Regents, and in the administration of its affairs," I therefore assume there must be some misunderstanding as to the gentleman named. I therefore respectfully call your attention to the fact that Mr. Curtis is an old and highly esteemed resident of this city; he is a learned and accom-

plished lawyer, and for several terms an honored and respected member of the Senate of California, and acknowledged by all who know him to be the peer of any citizen of the State. In view of these facts, I again respectfully submit his name for your consideration, with the hope you will concur in the nomination.

GEORGE C. PERKINS, Governor.

On motion of Mr. Sears, the message was made the special order for Monday afternoon next, immediately after calling of the roll.

SECOND READING RESUMED.

Senate Bill No. 96—An Act to amend section three hundred and twelve and three hundred and fifteen of the Civil Code, relating to corporations.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 36—An Act to amend title eleven, of part four, of the Civil Code, and each and every section thereof, and to substitute a new title eleven, of part four, to take the place thereof in said Code, relating to mining corporations.

Read second time, and amendment of committee adopted.

Mr. Neumann moved that the bill be recommitted to Committee on Corporations.

Mr. Ryan moved to refer to Committee on Mines and Mining.

So ordered.

Senate Bill No. 93—An Act regulating the selling or buying of stock on margin, or to be delivered at a future day.

Mr. Johnson offered the following amendment to section one:

Amend section one to make it read as follows: "Section 1—Any person who purchases or sells any of the shares of the capital stock of any corporation or association on margin, or to be delivered at a future day, is guilty of a misdemeanor, and on conviction shall be punished by imprisonment not exceeding six months, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment."

Adopted.

Pending consideration of bill, at twelve o'clock and thirty minutes P. M. the Senate took a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, Enos, George, Glasecock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Nye, Pool, Ryan, Traylor, Watson, and Zuck.

Quorum present.

REPORTS OF COMMITTEES.

By Mr. George:

SENATE CHAMBER, JANUARY 13, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed:

Senate Concurrent Resolution No. 7—Relative to mining debris and channel obstructions.
Also, Senate Bill No. 37—An Act to amend section four thousand and eighty-three of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two—relating to reports of County Auditors.

Also, Senate Bill No. 39—An Act to appropriate money for the support of aged and indigent women.

Also, Senate Bill No. 54—An Act to authorize the State Treasurer to pay Controller's warrants, drawn for the payment of the per diem and mileage of Lieutenant Governor, members of the Legislature, officers and clerks of the Legislature, and the contingent expenses of the Senate and Assembly.

Also, Senate Bill No. 58—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight of the Code of Civil Procedure—relating to the venue in civil actions.

Also, Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code—relating to violations of the law for the preservation of fish.

Also, Senate Bill No. 63—An Act to amend the Penal Code, by adding two new sections thereto, to be known as sections nine hundred and sixty-nine, and one thousand and twenty-five—providing for proceedings in cases where previous conviction is charged.

GEORGE, Chairman.

RESOLUTIONS.

By Mr. Zuck :

Resolved, That the State Printer be and is hereby directed to print two hundred additional copies each of Bills Numbers One and Two.

Mr. Johnson offered the following as a substitute :

Resolved, That three hundred and sixty extra copies of Senate Bills Numbers One, Two, and Three, and One Hundred and Nineteen, be printed.

Adopted.

By Mr. Johnson :

Resolved, That the per diem of R. H. Small, Committee room Porter, be and the same is hereby fixed at four dollars per diem, the same to date from his election on January third, eighteen hundred and eighty-one.

Adopted.

By Mr. Rowell :

Resolved, That the Hospital Committee of the Senate be hereby granted leave of absence from the Senate for six days, from and including January thirteenth, eighteen hundred and eighty-one, and that they be empowered to visit, in their official capacity, the Insane and Orphan Asylums of the State.

Adopted.

MESSAGE OF THE GOVERNOR.

Mr. Glascock moved to take up the Governor's Message.

So ordered.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
January 13, 1881. }

To the Senate of the State of California :

I herewith transmit to your honorable body a communication embodying my views on the debris question. There being but one copy of the same, I respectfully ask that you transmit it to the Assembly.

GEORGE C. PERKINS, Governor.

On motion of Mr. Davis, message laid over, and usual number of copies ordered printed.

On motion of Mr. Watson, Committee on State Prisons granted leave of absence until Monday next.

Mr. Traylor granted leave of absence until Monday next.

THIRD READING OF BILLS.

Senate Bill No. 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix.

Read third time, and passed by the following vote:

AYES—MESSRS. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Watson, Wendell, West, and Zuck—29.

NOES—Mr. Kane—1.

Title read and approved.

Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official civil duties.

Read third time, and passed by the following vote:

AYES—MESSRS. Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Rowell, Ryan, Traylor, Watson, Wendell, West, and Zuck—30.

NOES—None.

Title read and approved.

Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven, and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Read third time, and passed by the following vote:

AYES—MESSRS. Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Traylor, Wendell, West, and Zuck—30.

NOES—None.

Title read and approved.

Senate Bill No. 25—An Act releasing to William Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Read third time, and passed by the following vote:

AYES—MESSRS. Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hittell, Johnson, Johnston, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—MESSRS. Hill, Kane, and Kelly—3.

Title read and approved.

Senate Bill No. 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases from Justice or Police Courts to the Superior Courts.

Mr. Glascock moved to recommit to Judiciary Committee, with special instructions.

Carried.

Senate Bill No. 47—An Act to amend section two thousand two hundred and nine of the Civil Code, in relation to damages awarded when telegraphic messages are refused or postponed.

Read third time.

Mr. Traylor moved to recommit to Judiciary Committee, with special instructions.

Lost.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Watson, Wendell, West, and Zuck—27.

NOES—Messrs. Chase, Hittell, Kane, Neumann, Nye, Pardee, and Traylor—7.

Title read and approved.

Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code.

Read third time, and passed by the following vote:

Messrs. Baker, Burt, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—32.

Title read and approved.

Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—29.

NOES—Messrs. Hittell and Kelly—2.

Title read and approved.

Senate Bill No. 29—An Act making an appropriation for the payment of mileage of Senators.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—30.

NOES—Messrs. Langford and Nye—2.

Title read and approved.

Senate Bill No. 46—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code, defining what are common carriers.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—30.

NOES—Messrs. Chase and Traylor—2.

Title read and approved.

Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Byrnes, Chase, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Traylor, Wendell, West, and Zuck—30.

NOES—None.

Title read and approved.

Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to operations of statutes.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Byrnes, Chase, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—30.

NOES—None.

Title read and approved.

Senate Bill No. 71—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Conger, Dickinson, George, Glascock, Harlan, Hill, Hittell, Johnson, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—25.

NOES—Messrs. Davis, Johnson, Kane, Kelly, and Nelson—5.

Title read and approved.

Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Dickinson, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—26.

NOES—Messrs. Chase, Davis, Kane, and Nelson—4.

Title read and approved.

ADJOURNMENT.

On motion of Mr. Neumann, at two o'clock and forty-five minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 14, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Byrnes, Carlock, Chase, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, amended, and approved.

The President announced the following additional appointments on committees:

SENATE CHAMBER, January 13, 1881.

The Chair appoints Senators Brown and Conger as members of the Committee on Engrossment, in place of Senators Glascock and Kane, excused.

Mr. Davis moved the appointment of two additional members on Committee on Education, upon which the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Davis, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Nye, Pardee, Rowell, Ryan, Wendell, and West—16.

NOES—Messrs. Chase, Glascock, Kane, Langford, Pool, Satterwhite, and Zuck—7.

So ordered.

REPORTS OF COMMITTEES.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, January 13, 1881.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 134—An Act to provide for the improvement of Normal School Square, in the City of San José—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol Park—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

BAKER, Chairman.

By Mr. Hittell:

SENATE CHAMBER, January 14, 1881.

MR. PRESIDENT: The Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 20—An Act to amend sections fourteen and fifteen of an Act entitled "An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall," approved March twenty-fourth, eighteen hundred and seventy-six—have had the same under consideration, and recommend that it do not pass.

HITTELL, Chairman.

By Mr. Pardee:

MR. PRESIDENT: Your Committee on Finance beg leave to report that they have had under consideration Senate Bill No. 38—and report the same back without recommendation.

Also, Senate Bill No. 62—and report the same back without recommendation.

Also, Senate Bill No. 64—and recommend that it do pass.

PARDEE, Chairman.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, January 14, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred the following claims for interest on the amounts of the various claimants' certificates of amounts due them for work, labor, and services, and materials furnished by them in the construction and erection of the Napa State Asylum for the Insane, have had the same under consideration, report back, and recommend that the claims be rejected. The following is a list of said claims:

Robert Ewing.....	\$5,328 10
Electrical Construction and Maintenance Company	766 15
G. J. Mothersole	189 68
E. L. Mayberry	6,184 56
James Hunter & Co.....	739 20
Cox & Colby.....	2,388 43
Cox & Warren	2,015 18
W. W. Montague & Co.....	918 72
W. F. Wilson & Co.....	1,770 90
Baker, Smith & Co.....	5,050 00
Noble & Gallagher	2,941 57
Frear Stone Company.....	1,165 76
Frear Stone Company.....	4,487 00
Wright & Sanders.....	936 00
Wright & Sanders.....	10,179 69

Also, Senate Bill No. 56—An Act to pay the holders of certain Indian war bonds, out of any money appropriated by Congress for the suppression of Indian hostilities, now in the "War Bond Fund," in the State treasury, and not otherwise appropriated—and recommend that the same be indefinitely postponed.

Also, the claim of P. J. O'Connor for \$3,000, for services rendered as an expert architect in connection with the construction of the Napa State Asylum for the Insane—and recommend that the same be rejected.

TRAYLOR, Chairman.

By Mr. West:

MR. PRESIDENT: The Committee on Agriculture to whom was referred Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese—have had the same under consideration, and report it back, and recommend that it do pass.

WEST, Chairman.

Mr. Pardee asks leave to have Senate Bill No. 38 recommitted to Finance Committee.

So ordered.

INTRODUCTION OF BILLS.

By Mr. Johnson: Senate Bill No. 193—An Act to protect railroad corporations in the enjoyment of their franchises.

Read first time, and referred to Committee on Corporations.

By Mr. Nelson: Senate Bill No. 194—An Act to amend an Act entitled "An Act to limit and fix the rates of fares on street railroads in cities and towns of more than one hundred thousand inhabitants," approved January first, eighteen hundred and seventy-eight.

Read first time, and referred to Committee on Corporations.

REPORT OF COMMITTEE.

By Mr. Davis (by leave):

SENATE CHAMBER, Friday, January 14, 1881. •

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to decisions and findings by Courts—have had the same under consideration, and report the same, and recommend its passage.

DAVIS, for the majority of the Committee.

SECOND READING OF BILLS.

Senate Bill No. 70—An Act to amend section six hundred and sixty-seven of the Penal Code, concerning the punishment of a second offense after conviction of petit larceny, or an attempt to commit a State Prison offense.

Read second time.

Pending consideration of bill, Mr. Baker asked leave of absence for Committee on Public Buildings until Monday next, at two P. M.

So ordered.

RESOLUTION.

By Mr. Baker (by leave):

Resolved, That when the Senate adjourns this day it adjourns to meet Monday, January eleventh, at two o'clock P. M.

Adopted.

Senate Bill No. 70, resumed.

Mr. Wendell moved to indefinitely postpone the bill.

Lost, and on motion the bill was ordered engrossed.

Senate Bill No. 93—An Act regulating the selling or buying stocks on margin, or to be delivered at a future day.

Read second time.

Mr. Dickinson moved that the bill be recommitted to the Committee on Corporations.

Lost.

Bill ordered engrossed.

REPORTS OF COMMITTEES.

By Mr. Dickinson (by leave):

SENATE CHAMBER, SACRAMENTO, JANUARY 14, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 149—An Act to amend section two hundred and eighty-five of the Penal Code, relating to the punishment of incest—have had the same under consideration, and report the same back with an amendment, and recommend its passage as amended.

DICKINSON, for the majority of the Committee.

By Mr. Wendell:

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 149—An Act to amend section two hundred and eighty-five of the Penal Code, relating to the punishment of incest—respectfully dissents from the majority report, and recommends that the bill do not pass.

J. F. WENDELL.

By Mr. Johnson (by leave): Senate Bill No. 195—An Act to appropriate money to the payment of equitable claims for work and labor performed at the Folsom Branch Prison.

Read first time, and referred to the Committee on Claims.

By Mr. Dickinson (by leave):

SENATE CHAMBER, JANUARY 13, 1881.

MR. PRESIDENT: Your Committee on Commerce and Navigation have had Senate Concurrent Resolution No. 5—relative to instructing our Senators and Congressmen to procure an appropriation from the General Government to improve Eel River, in Humboldt County—under consideration, and report the same back, and recommend its passage.

DICKINSON, Chairman.

By Mr. Wendell:

SENATE CHAMBER, JANUARY 14, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 22—An Act to amend sections six hundred and thirty-three and sections six hundred and thirty-four of the Code of Civil Procedure, relating to findings—recommend that the author have leave to withdraw the same, for the reason that its provisions are contained in Senate Bill No. 13.

Also, Senate Bill No. 67—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure, relating to appeals in civil actions—recommend that it do not pass.

Also, Senate Bill No. 117—An Act to amend section one thousand and seventy of the Penal Code, and to reduce the number of peremptory challenges in criminal cases—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 137—An Act to amend section eleven hundred and two of the Code of Civil Procedure, relating to the writ of prohibition—and recommend its passage.

WENDELL, Chairman.

Also:

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 13—An Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to decisions and findings by Courts—recommend that said bill do not pass.

J. F. WENDELL.

J. H. DICKINSON.

SECOND READING RESUMED.

Senate Bill No. 10—An Act to amend an Act entitled “An Act to establish a Penal Code,” approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, known as section three hundred and seven, relating to the sale and use of opium.

Read second time, and ordered engrossed.

Senate Bill No. 73—An Act to repeal section nine hundred and forty-three of the Penal Code.

Passed on file.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, January 14, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.:

Senate Bill No. 9—An Act to prevent the sale of adulterated milk.

Senate Bill No. 48—An Act to regulate the rate of charges upon telegraph lines, and to prevent extortion by owners of telegraph lines.

Senate Bill No. 79—An Act to amend section twelve hundred and forty-nine of the Penal Code, in relation to appeals in criminal cases.

Senate Bill No. 87—An Act to add a new section to the Civil Code, to be known as section three hundred and twenty-eight, to enforce the provisions of section three, of article twelve, of the Constitution.

Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to committal of insane persons.

Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation.

Senate Bill No. 96—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relating to corporations.

GEORGE, Chairman.

ADJOURNMENT.

At ten o'clock and fifty-five minutes A. M., on motion of Mr. Zuck, the Senate adjourned until Monday next, at two o'clock P. M.

 IN SENATE.

SENATE CHAMBER, }
 MONDAY, January 17, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Friday was read and approved.

SPECIAL ORDERS.

Immediately after roll call in the afternoon: Consideration of confirmation of appointments by the Governor of Mr. John A. Stanly, and N. Greene Curtis.

On motion of Mr. Dickinson, made special order for to-morrow at two o'clock P. M.

Immediately after reading Journal: Senate Bill No. 42—An Act to amend section one thousand seven hundred and seventy-four of the Penal Code.

Indefinitely postponed.

PETITIONS.

Petition to Legislature to grant aid to the "Old People's Home," Francisco street, near Powell, San Francisco.

Read, and referred to Committee on Hospitals.

REPORTS OF COMMITTEES.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, January 17, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 77—An Act to amend section six hundred and eighty-eight of the Code of Civil Procedure—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 78—An Act to amend sections one thousand and forty-four and two thousand nine hundred and forty-seven of the Code of Civil Procedure—and recommend its passage.

Also, Senate Bill No. 93—An Act to amend section seventy-eight of the Civil Code, relating to the manner by which the validity of marriage may be determined and declared—and recommend its passage.

Also, Senate Bill No. 97—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of the Civil Code, relating to actions for proving instruments, and correcting defective certificates of acknowledgments—and recommend its passage.

Also, Senate Bill No. 98—An Act to amend section one thousand four hundred and five of the Civil Code, relating to succession—and recommend its passage.

Also, Senate Bill No. 99—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a trustee may be discharged from his trust—and recommend its passage.

Also, Senate Bill No. 100—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors—and recommend its passage.

Also, Senate Bill No. 109—An Act to amend an Act entitled "An Act relating to children," approved March thirtieth, eighteen hundred and seventy-eight—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 116—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials—and recommend its passage.

Also, Senate Bill No. 121—An Act to provide for the erection of monuments at the graves of persons dying in this State—and recommend that it do not pass.

Also, Senate Bill No. 122—An Act to amend section one hundred and ninety of the Penal Code—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 138—An Act to amend section thirty-two of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty—and recommend its passage.

Also, Senate Bill No. 150—An Act to amend sections fifteen and sixty-six of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty—and recommend its passage.

WENDELL, Chairman.

Also:

MR. PRESIDENT: The Committee on County and Township Governments, to whom was referred Senate Bill No. 133, have considered the same, and report it back with amendments, and recommend its passage as amended.

WENDELL, Chairman.

By Mr. Carlock :

SENATE CHAMBER, January 17, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report correctly engrossed, the following Senate bills, viz :

Senate Bill No. 70—An Act to amend section six hundred and sixty-seven of the Penal Code, concerning the punishment of a second offense, after conviction of petit larceny, or of attempt to commit a State Prison offense.

Senate Bill No. 93—An Act regulating the selling or buying of stock on margin, or to be delivered at a future day.

Senate Bill No. 10—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two—by adding a new section thereto, to be known as section three hundred and seven, relating to the sale and use of opium.

CARLOCK, Chairman.

INTRODUCTION OF BILLS.

By Mr. Davis: Senate Bill No. 196—An Act to amend section three thousand six hundred and seven of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue.

Read first time, and referred to Finance Committee.

REPORT OF COMMITTEE.

By Mr. Pardee (by leave):

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 38, have amended the same and recommend that it do pass.

PARDEE, Chairman.

INTRODUCTION OF BILLS RESUMED.

By Mr. Davis: Senate Bill No. 197—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-one, three thousand six hundred and fifty, and three thousand six hundred and fifty-one of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue.

Read first time, and referred to Finance Committee.

By Mr. Glascock: Senate Concurrent Resolution No. 13—Relative to the treaty of the Chinese Commission.

Read first time, and referred to Committee on Federal Relations.

By Mr. Traylor: Senate Bill No. 198—An Act to authorize the Board of State Harbor Commissioners to determine, compromise, and agree with the claimants of the block of land bounded by Francisco, Kearny, Bay, and Montgomery streets, in San Francisco, as to the extent of the separable interests of the State of California, and the said claimants in and to said block of land.

Read first time, and referred to Committee on Commerce and Navigation.

Also, Senate Bill No. 199—An Act to amend sections two thousand five hundred and twenty-five and two thousand five hundred and twenty-eight of the Political Code, relating to the Board of State Harbor Commissioners.

Read first time, and referred to Committee on Commerce and Navigation.

Also, Senate Bill No. 200—An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten, of an Act approved March seventeenth, eighteen hundred and eighty, entitled "An Act to amend section six of an Act entitled an Act concerning the water front of the City and County of San Francisco, approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners."

Read first time, and referred to the Committee on Commerce and Navigation.

Also, Senate Bill No. 201—An Act to provide for the issue of bonds for continuing the construction of the seawall and thoroughfares in the City and County of San Francisco.

Read first time, and referred to the Committee on Commerce and Navigation.

By Mr. Hill: Senate Bill No. 202—An Act to amend section one thousand seven hundred and thirty-seven of the Code of Civil Procedure, relating to the duty of Public Administrator to deposit money with County Treasurer.

Read first time, and referred to the Judiciary Committee.

Also, Senate Bill No. 203—An Act to add a new section to the Political Code, to be known as section two thousand seven hundred and fifteen, relating to roads and highways.

Read first time, and referred to Committee on Roads and Highways.

Also, Senate Bill No. 204—An Act to establish and protect the rights of married women.

Read first time, and referred to Judiciary Committee.

By Mr. Langford: Senate Bill No. 205—An Act to provide for the better protection of property against loss by fire in all the cities, towns, and places in this State, wherein a Fire Department is now, or may hereafter be maintained.

Read first time, and referred to Committee on City, City and County, and Town Governments.

By Mr. Hittell: Senate Bill No. 206—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real estate.

Read first time, and referred to Judiciary Committee.

By Mr. Chase: Senate Concurrent Resolution No. 14—Relative to the redemption of worn and mutilated currency.

Read and referred to Finance Committee.

By Mr. Enos: Senate Bill No. 207—An Act to add certain new sections to the Civil Code, concerning gas corporations. (Part 4, Title 15.)

Read first time, and referred to Committee on Corporations.

Also, Senate Bill No. 208—An Act to regulate the bonds of Treasurers, Tax Collectors, Sheriffs, or other public officers having the collecting, disbursing, or charge of public moneys in their official capacity, in any city and county, or incorporated city or town, or any incorporated city and county in this State.

Read first time, and referred to Committee on City, City and County, and Town Governments.

By Mr. Burt: Senate Bill No. 209—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, to prevent the sale of liquors and tobacco to minors.

Read first time, and referred to Committee on Judiciary.

By Mr. Enos: Senate Bill No. 210—An Act to amend section number one thousand one hundred and twenty-four of the Code of Civil Procedure.

Read first time, and referred to Committee on Elections.

By Mr. Hittell: Senate Bill No. 211—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code—relating to the election of directors of corporations.

Read first time, and referred to Committee on Corporations.

By Mr. Johnston: Senate Bill No. 212—An Act appropriating funds for the purpose of sinking a well, to supply the State Capitol building and grounds with water.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Traylor: Senate Bill No. 213—An Act to amend section six hundred and thirty-one of the Penal Code—relating to violations of the laws for the preservation of fish and game.

Read first time, and referred to Committee on Fish and Game.

By Mr. Wendell: Senate Bill No. 214—An Act to add a new section to the Penal Code, to be known as section four hundred and forty-four, making non-compliance with the requirements of section two, of article thirteen, of the Constitution, a felony.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 215—An Act to amend sections two, four, and five of an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April fifteenth, eighteen hundred and eighty, so as to reduce the cost of said Board.

Read first time, and referred to Judiciary Committee.

SECOND READING.

Senate Concurrent Resolution No. 11—Relative to the free coinage of silver into legal tender coin.

Read second time, and ordered engrossed.

Senate Bill No. 73—An Act to repeal section nine hundred and forty-three of the Penal Code.

On motion of Mr. Wendell, indefinitely postponed.

Senate Bill No. 134—An Act to provide for the improvement of Normal School Square, in the City of San José.

Read second time.

Mr. Kane moved to indefinitely postpone the bill.

Mr. Davis offered the following amendment: "Amend section one, by substituting for 'twenty-five thousand,' the words 'fifteen thousand,' in line one."

Mr. Enos offered the following amendment to the bill: "Amend section one, line one, by striking out the word 'five.'"

On the question of the amendment of Mr. Davis, Messrs. Davis, Enos, and Hittell demanded the ayes and noes.

The roll was called, with the following result:

AYES—Messrs. Burt, Davis, Glasecock, Hittell, Kane, Moreland, Nye, Satterwhite, Watson, Wendell, and West—11.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Nelson, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Zuck—25.

Lost.

On the question of amendment of Mr. Enos, the ayes and noes were demanded by Messrs. Baker, Chase, and Enos.

The roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Davis, Enos, Kane, Moreland, Nelson, Neumann, Nye, Pardee, Satterwhite, Watson, Wendell, and West—16.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Cheney, Conger, Dickinson, Glascock, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Pool, Rowell, Ryan, Sears, Traylor, and Zuck—20.

Lost.

The motion of Mr. Kane to indefinitely postpone, lost.

Bill ordered engrossed.

Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol Park.

Read second time, and bill ordered engrossed.

Senate Bill No. 20—An Act to amend sections fourteen and fifteen of an Act entitled "An Act to provide for the completion of the building in the City and County of San Francisco, known as the New City Hall," approved March twenty-fourth, eighteen hundred and seventy-six.

Read second time, and placed at foot of file.

Senate Bill No. 62—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

Read second time.

Mr. Dickinson moved that the bill be recommitted to Committee on Commerce and Navigation.

Upon which the ayes and noes were demanded by Messrs. Johnson, Dickinson, and Brown.

The roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Dickinson, Enos, Gorman, Hittell, Kane, Kelly, Nelson, Neumann, Rowell, Sears, and Traylor—13.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Glascock, Harlan, Hill, Johnson, Johnston, Langford, Moreland, Nye, Pardee, Pool, Ryan, Watson, Wendell, West, and Zuck—23.

Lost.

Bill ordered engrossed.

The President announced the following additional appointments on Committee on Education, in pursuance to resolution of the Senate: Messrs. Rowell and Lampson.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 18, 1881.)

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Edos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

REPORTS OF COMMITTEES.

By Mr. Neumann:

SACRAMENTO, January 17, 1881.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 81—An Act to add to part two, division second, of the Civil Code, a new title, containing eighteen sections, relating to mining laws, and forming mining districts—have had the same under consideration, and report the same back to the Senate, with an amendment, and recommend its passage.

Also, Senate Bill No. 26—An Act to provide rules for working mines involving easements, drainage, and other necessary means to their complete development—have had the same under consideration, and report the same back to the Senate, and recommend the author have leave to withdraw the same.

Also, Senate Concurrent Resolution No. 10—Relative to the transfer of mineralogical specimens to the Mining Bureau—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

NEUMANN, Chairman.

By Mr. Hittell:

SENATE CHAMBER, January 18, 1881.

MR. PRESIDENT: The Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 4—An Act to repeal an Act entitled "An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, of article eleven, of the Constitution of this State," approved April twenty-fourth, eighteen hundred and eighty—have had the same under consideration, and report same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 143—An Act to prevent trustees, councils, Boards of Supervisors, and other local legislative bodies, from holding secret meetings—have had the same under consideration, and recommend that it do not pass.

HITTELL, Chairman.

By Mr. Burt:

SENATE CHAMBER, January 18, 1881.

MR. PRESIDENT: Your Committee on Public Morals beg leave to report that they have had under consideration Senate Concurrent Resolution No. 8, relative to the importation of alcoholic liquors, and report the same back, recommending its passage.

BURT, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 17, 1881. }

To the Senate of the State of California:

I have the honor to transmit to your honorable body the annual report of the Fish Commissioners, and the report of the Trustees of the State Bural Grounds. As there is but one copy of each of these documents, I respectfully ask that the Assembly be notified of their receipt.

GEO. C. PERKINS, Governor.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Monday, January seventeenth, eighteen hundred and eighty-one, passed Assembly Bill No. 47—Entitled an Act to amend section one hundred and sixty of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by a Judge of the Superior Court thereof, or by the Governor, and providing for the payment by the county wherein such Court may be holden, in certain cases, of the actual expenses of such Judge for traveling to and from, and while holding such Court.

Also, Assembly Bill No. 23—Entitled an Act to amend section six hundred and eight of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to the charge of the Court to the jury and exceptions thereto—which are herewith transmitted.

J. W. WRIGHT, Assistant Clerk.

Assembly Bill No. 47—An Act to amend section one hundred and sixty of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, in relation to authorizing Judges of the Superior Courts to hold Courts in any county when requested by a Judge of the Superior Court thereof, or by the Governor, and providing for the payment by the county wherein such Court may be holden, in certain cases, of the actual expenses of such Judge for traveling to and from, and while holding such Court.

Read first time, and referred to Judiciary Committee.

Assembly Bill No. 23—An Act to amend section six hundred and eight of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to the charge of the Court to the jury, and exceptions thereto.

Read first time, and referred to Judiciary Committee.

Also:

ASSEMBLY CHAMBER, January 14, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Friday, January fourteenth, eighteen hundred and eighty-one, passed Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations—which is herewith transmitted.

GEO. E. McSTAY, Chief Clerk.

JOHN G. HOWELL, Assistant Clerk.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Read first time, and referred to Judiciary Committee.

By Mr. Johnson (by leave):

SENATE CHAMBER, SACRAMENTO, January 18, 1881.

MR. PRESIDENT: The Senate Committee on Elections, to whom was referred Senate Bills Nos. 107 and 108, recommend that they be indefinitely postponed; and also, Senate Bill No. 144—recommended do not pass. Also, resolution introduced January fourth, relating to the payment of James Byrnes in contesting election, your committee recommend that it be adopted.

CHENEY, Chairman.

Per JOHNSON.

Mr. Zuck moved the reference of the resolution to Committee on Contingent Expenses, under the rule, and that it be reported back day after to-morrow.

So ordered.

By Mr. Cheney (by leave):

The Committee on Elections report that the resolution for the payment of the expenses of Mr. Pinder, in contesting the seat of Senator Traylor, was taken up before the committee, and passed for further discussion.

CHENEY, Chairman.

Mr. Enos moved that the Pinder resolution be referred to the Committee on Contingent Expenses, under the rules.

Upon a call for the division of the vote, the motion prevailed by the following vote:

Ayes, 17; noes, 11.

INTRODUCTION OF BILLS.

By Mr. Brown: Senate Bill No. 216—An Act to repeal an Act entitled "An Act to amend section one thousand five hundred and ninety of the Penal Code," approved March twenty-ninth, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on Judiciary.

Senate Joint Resolution No. 1—Relating to the ratification of the new Chinese treaty.

Read first time.

Mr. Satterwhite moved that the Joint Rules, requiring three several readings on three several days, be suspended.

So ordered.

Resolution read second time.

Mr. Sears moved to refer the resolution to the Committee on Federal Relations.

Mr. Glascock moved that the resolution be referred to the Committee on Federal Relations, with instructions to report them to-morrow morning, together with Concurrent Resolution No. 13, introduced by him, and referred to that committee.

Mr. Sears accepted the amendment to his motion.

Upon which the ayes and noes were demanded by Messrs. Satterwhite, Davis, and Cheney, and the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Chase, Cheney, Conger, Dickinson, George, Glascock, Gorman-Hill, Hittell, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, and West—19.

NOES—Messrs. Anderson, Baker, Carlock, Davis, Enos, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—15.

So ordered.

On motion of Mr. Chase, Mr. Hudson was indefinitely excused, on account of sickness.

By Mr. Glascock: Senate Bill No. 217—An Act to provide for bridges across navigable streams.

Read first time, and referred to Committee on Roads and Highways.

On motion of Mr. Carlock, the report of the Fish Commission was ordered printed.

By Mr. Kane (by request): Senate Bill No. 218—An Act to lessen

the expenses of litigation, by restricting the admission of testimony and the time consumed in arguments by counsel, to be known as section six hundred and twenty, Code of Civil Procedure.

Read first time, and referred to Judiciary Committee.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, January 18, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report correctly engrossed, the following Senate Bills, viz.:

Senate Concurrent Resolution No. 11—Relative to free coinage of silver into legal tender coin.
Senate Bill No. 134—An Act to provide for the improvement of Normal School Square, in the City of San José.

Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol Park.

Senate Bill No. 62—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

GEORGE, Chairman.

RECESS.

The hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at one o'clock and thirty minutes P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING.

Senate Bill No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property in which deceased persons held a life estate, which terminated and expired upon the death of such persons.

Read third time.

The Secretary was instructed to change the word "recovered" to "recorded."

The bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Sears, Traylor, and Wendell—28.

NOES—None.

Title approved.

Senate Concurrent Resolution No. 7—Relative to appropriations by General Government for carrying out important improvements.

Read third time.

Mr. Johnson moved that the resolution be committed to the Committee on Federal Relations, with instructions to amend as follows:

Also, Senate Bill No. 145—An Act to ascertain and express the will of the people of California upon the manner of electing President and Vice President of the United States—have had the same under consideration, and report the same back, and recommend that it do pass.

BAKER, Chairman.

Mr. Dickinson moved that the Committee on Chinese and Chinese Immigration be allowed until to-morrow morning to report on Chinese treaty resolution.

The ayes and noes were demanded by Messrs. Johnson, Dickinson, and Kelly.

The roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Dickinson, George, Gorman, Harlan, Hill, Hittell, Nye, Pardee, Sears, Traylor, Watson, Wendell, and Zuck—19.

NOES—Messrs. Anderson, Davis, Glascock, Johnson, Kane, Kelly, Langford, Moreland, Pool, Ryan, and Satterwhite—11.

Carried.

REPORTS OF COMMITTEES.

By Mr. Zuck :

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage report and recommend the adoption of the following resolution, viz.:

Resolved, That the Postmaster of Sacramento City be and is hereby allowed the sum of ten dollars for rent of Post Box No. 731, for the use of the Senate, ending March thirty-first, eighteen hundred and eighty-one, said sum being payable out of the appropriation for the contingent expenses of the Senate, and the Controller is hereby authorized to draw his warrant therefor.

Adopted.

Also:

Resolved, That Messrs. Hobby & Smith, of Sacramento, be and they are hereby allowed the sum of thirty dollars, for two patent spring filters furnished the Senate, said sum payable out of the appropriation for the contingent expenses of the Senate.

And recommend that the same be adopted.

Adopted.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved, That the sum of nine hundred and twenty dollars be and the same is hereby appropriated out of the appropriation for the Contingent Fund of the Senate, to pay James Byrnes for his expenses incurred in the contest of the seat of Robert Dasty, as a Senator, and the Controller be and he is hereby directed to draw his warrant in favor of said James Byrnes for said sum.

Have had the same under consideration, and the undersigned report back, and recommend that the same be not adopted.

JAS. C. ZUCK.

W. W. MORELAND.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved, That the sum of nine hundred and twenty dollars be and the same is hereby appropriated out of the appropriation for the Contingent Fund of the Senate, to pay James Byrnes for his expenses incurred in the contest of the seat of Robert Dasty, as a Senator, and the Controller be and he is hereby directed to draw his warrant in favor of said James Byrnes for said sum.

Have had the same under consideration, and the undersigned report back, and recommend that the same be adopted.

A. B. CARLOCK,
T. K. NELSON.

Mr. Zuck moved that the report be adopted.

Mr. Johnson moved, as an amendment, that both reports be made the special order for to-morrow, at three o'clock P. M.

So ordered.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz:

Resolved, That the sum of five hundred dollars be and the same is hereby appropriated out of the appropriation for the Contingent Fund of the Senate, to pay T. J. Pinder for his expenses incurred in the contest of the seat of W. W. Traylor, as a Senator, and the Controller be and he is hereby directed to draw his warrant in favor of said T. J. Pinder for said sum.

Have had the same under consideration, and the undersigned, majority of the committee, report back, and recommend that the same be not adopted.

JAS. C. ZUCK,
W. W. MORELAND,
A. B. CARLOCK.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz:

Resolved, That the sum of five hundred dollars be and the same is hereby appropriated out of the appropriation for the Contingent Fund of the Senate to pay T. J. Pinder for his expenses incurred in the contest of the seat of W. W. Traylor, as a Senator, and the Controller be and he is hereby directed to draw his warrant in favor of said T. J. Pinder for said sum.

Have had the same under consideration, and the undersigned reports back and recommends that the same be adopted.

T. K. NELSON.

Mr. Zuck moved the adoption of the majority report.

Mr. Johnson moved, as an amendment, that both reports be made special orders for three o'clock P. M., to-morrow.

So ordered.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to employ an additional Porter for the Committee-rooms, and that he be allowed three dollars per day for his services, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and the undersigned report and recommend that the same be adopted.

T. K. NELSON,
JAMES D. BYRNES.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz:

Resolved, That the Sergeant-at-Arms of the Senate be and he hereby is authorized to employ an additional Porter for the Committee-rooms, and that he be allowed three dollars per day for his services, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and the undersigned report and recommend that the same be not adopted.

JAS. C. ZUCK,
W. W. MORELAND.

Mr. Zuck moved that his report be now adopted.

Mr. Ryan moved, as an amendment, that both reports be made the special order for to-morrow, at three o'clock P. M.

Lost.

Upon the adoption of Mr. Zuck's report, the ayes and noes were demanded by Messrs. Zuck, Enos, and Lampson.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Johnston, Lampson, Langford, Moreland, Nye, Pardee, Rowel, Sears, Traylor, Watson, Wendell, West, and Zuck—26.

NOES—Messrs. Brown, Byrnes, Cheney, Enos, Gorman, Johnson, Kane, Kelly, Nelson, Pool, Ryan, and Satterwhite—12.

Adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Tuesday, January eighteenth, eighteen hundred and eighty-one, passed Assembly Bill No. 35—Entitled "An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders"—which is herewith transmitted.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 35—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Read first time, and referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

By Mr. Hittell: Senate Bill No. 221—An Act to amend section three thousand three hundred and thirty-six of the Civil Code, relating to damages for wrongs.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots.

Read first time, and referred to Judiciary Committee.

By Mr. Enos: Senate Bill No. 223—An Act to add another section to the Penal Code (Chapter VII, Title VII, Part 1), to prohibit persons from practicing law without a license from the Supreme Court.

Read first time, and referred to Judiciary Committee.

By Mr. Baker: Senate Bill No. 224—An Act to amend section eleven hundred and eighty-three of the Code of Civil Procedure, relating to the liens of mechanics and others upon real property.

Read first time, and referred to Judiciary Committee.

By Mr. Chase: Senate Concurrent Resolution No. 15—Relative to the establishment of a branch department of the Dead Letter Office at the San Francisco Post Office.

Read first time, and referred to Committee on Federal Relations.

By Mr. Nye: Senate Bill No. 225—An Act to provide for an additional Judge of the Superior Court of the County of Alameda, with accompanying memorial in relation thereto.

Read first time, and referred to Judiciary Committee.

By Mr. Enos: Senate Bill No. 226—An Act to limit and fix the rates and price of gas in all cities within the State of California having a population of one hundred thousand inhabitants or more.

Read first time, and referred to Committee on City, City and County, and Township Governments.

By Mr. Hittell: Senate Bill No. 227—An Act to amend section two thousand one hundred and seven of the Political Code, relating to the duties of the Adjutant-General.

Read first time, and referred to Committee on Military Affairs.

By Mr. Conger: Senate Bill No. 228—An Act to pay the claim of Mary M. Springer, widow and heir of Thomas A. Springer, late State Printer, deceased.

Read first time, and referred to Committee on Claims.

By Mr. Enos: Senate Concurrent Resolution No. 16, in relation to Ireland and land reform.

Read, and referred to Committee on Federal Relations.

RESOLUTION.

By Mr. Burt (by leave):

Resolved, That the Journal Clerk be authorized to appoint an Assistant Journal Clerk, at the per diem of the Journal Clerk, payable out of the appropriation for the contingent expenses of the Senate, the appointment to date the fourteenth instant.

Referred to Committee on Contingent Expenses.

By Mr. Neumann: Senate Bill No. 229—An Act to amend section six hundred and nine of the Code of Civil Procedure, relating to instructions to juries.

Read first time, and referred to Judiciary Committee.

SPECIAL ORDER—HEAD OF FILE.

Wednesday, January 19, 1881.—Senate Bill No. 45—An Act in relation to the killing of human beings, commonly called murder, and the punishment thereof.

Read second time.

Mr. Hittell moved the bill be indefinitely postponed.

Upon which Messrs. Hittell, Chase, and Brown demanded the ayes and noes, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Lamson, Langford, Moreland, Neumann, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and Zuck—24.

NOES—Messrs. Brown, Byrnes, Cheney, Enos, George, Johnson, Johnston, Kane, Kelly, Nelson, Nye, Pardee, Watson, and West—14.

Carried.

By Mr. Neumann (by leave): Senate Concurrent Resolution No. 17—Relating to the Weis beer drinking rabble of Berlin and the Semitic race.

Referred to Committee on Federal Relations.

REPORTS OF COMMITTEES.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 75—An Act to pay the claim of the members and employes of the late Board of Reclamation Fund Commissioners—have had the same under consideration, and the undersigned, majority of the committee, report back, and recommend that the bill do not pass.

W. W. TRAYLOR,
JAMES C. ZUCK,
E. A. DAVIS.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 191—An Act to pay the claim of W. C. Gurley—have had the same under consideration, and the undersigned report back, and recommend that the same do pass.

JOHN S. ENOS,
D. M. POOL.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 191—An Act to pay the claim of W. C. Guirey—have had the same under consideration, and the undersigned reports the same back with amendments, and recommends its passage as amended.

W. W. TRAYLOR.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 75—An Act to pay the claim of the members and employes of the late Board of Reclamation Fund Commissioners—have had the same under consideration, and the undersigned, minority of the committee, report back, and recommend that the same do pass.

JOHN S. ENOS,
D. M. POOL.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 191—An Act to pay the claim of W. C. Guirey—have had the same under consideration, and the undersigned reports back, and recommends that the same do not pass.

JAS. C. ZUCK.

Mr. Wendell moved to reconsider the vote by which Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violation of the law for the preservation of fish—was on yesterday indefinitely postponed.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, George, Glaseock, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—31.

NOES—Messrs. Carlock, Enos, Langford, Nye, Pool, and Traylor—6.

So ordered.

On motion of Mr. Sears, the bill was placed at foot of File.

On motion of Mr. Enos, Senate Bill No. 57 was placed at foot of Second Reading File.

INTRODUCTION OF BILLS.

By Mr. Burt (by leave): Senate Bill No. 230—An Act to add a new section to the Penal Code, to be known as section three hundred and eight, relating to female exhibitions.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 231—An Act to amend section three hundred and seven of the Penal Code, relative to procuring female exhibitions.

Read first time, and referred to Judiciary Committee.

SECOND READING.

Senate Bill No. 64—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one of the

Political Code, and to add a new section to said Code, to be known as section three thousand eight hundred and seventeen, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six of said Code, providing for a duplicate assessment book.

Read second time, and ordered engrossed.

RECESS.

The hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at one o'clock and thirty minutes P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Enos, George, Glascock, Gorman, Hill, Hittell, Johnston, Kelly, Langford, Moreland, Pool, and Satterwhite—20.

There being no quorum present, on motion of Mr. Enos, the Senate adjourned for ten minutes.

REASSEMBLED.

The Senate reassembled.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING.

Senate Bill No. 63—An Act to amend the Penal Code by adding two new sections thereto, to be known as sections nine hundred and sixty-nine and one thousand and twenty-five, providing for proceedings in cases where previous conviction is charged.

Read third time, and passed by the following vote:

Ayes—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and Zuck—36.

Noes—None.

Title read and approved.

Senate Bill No. 58—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, three hundred and

ninety-eight of the Code of Civil Procedure, relating to the venue in civil actions.

Read third time.

Mr. Dickinson moved that the bill be recommitted to the Judiciary Committee, with instructions to amend the same as follows: In line five, section four, of printed bill, after the word "action," insert "or in the county in which the cause of action occurred."

Upon which motion Messrs. Chase, Dickinson, and Wendell demanded the ayes and noes, and the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Kelly, Nelson, Neumann, Traylor, and Watson—14.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Glasecock, Harlan, Hill, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—23.

Lost.

Mr. Dickinson moved that the bill be recommitted to the Judiciary Committee, with instructions to amend the same as follows:

In line five, section four, of printed bill, after the word "action," insert "or in the county where the defendant may, in writing, have agreed to perform the contract or obligation."

Upon which motion Messrs. Wendell, Chase, and Lampson demanded the ayes and noes, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Kelly, Langford, Nelson, Neumann, Sears, Traylor, and Watson—18.

NOES—Messrs. Anderson, Brown, Chase, Glasecock, Harlan, Hill, Johnson, Johnston, Kane, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—20.

Lost.

Bill passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, Dickinson, Glasecock, Harlan, Hill, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—25.

NOES—Messrs. Baker, Byrnes, Conger, Enos, George, Gorman, Hittell, Kelly, Nelson, Neumann, Sears, Traylor, and Watson—13.

Title read and approved.

Mr. Dickinson gave notice of motion to reconsider.

On motion of Mr. Johnson, the third reading of bills was ordered continued.

Senate Bill No. 9—An Act to prevent the sale of adulterated milk.

Read third time.

Mr. Hittell moved to recommit the bill to the Judiciary Committee, with the following special instructions: To amend the same by adding after the word "condition," in line four of printed bill, the words "or any milk from cows fed on distillery slops, garbage, or decayed vegetables."

Upon which motion Messrs. Gorman, Hittell, and Johnson demanded the ayes and noes.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Enos, Hittell, Nelson, Pardee, and Traylor—6.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—28.

Lost.

Bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—Mr. Hittell—1.

Title read and approved.

Senate Bill No. 48—An Act to regulate the rate of charges on telegraph lines, and to prevent extortion by owners of telegraph lines.

Read third time.

Mr. Conger moved to recommit the bill to the Judiciary Committee, with instructions to strike out section three.

Lost.

Bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Cheney, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Carlock, Chase, Conger, Davis, Kane, Nelson, Sears, and Traylor—8.

Title read and approved.

President Mansfield in the chair.

Senate Bill No. 79—An Act to amend section one thousand two hundred and forty-nine of the Penal Code, in relation to appeals in criminal cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—37.

NOES—None.

Title read and approved.

Senate Bill No. 87—An Act to enforce the provisions of section three of Article twelve of the Constitution.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Cheney, Enos, George, Gorman, Harlan, Hill, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Chase, Conger, Davis, Dickinson, Hittell, Johnston, Neumann, and Traylor—8.

Title read and approved.

Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to the commitment of insane persons.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—Mr. George—1.

Title read and approved.

Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Cheney, Conger, Davis, Dickinson, Enos, Hittell, Johnson, Kelly, Langford, Moreland, Nelson, Neumann, Pool, Ryan, Satterwhite, Sears, Watson, and Zuck—21.

NOES—Messrs. Burt, Brown, Carlock, Chase, George, Gorman, Harlan, Johnston, Kane, Lampson, Nye, Pardee, Rowell, Traylor, Wendell, and West—16.

Title read and approved.

Senate Bill No. 96—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relating to corporations.

Read third time.

The Secretary was instructed to correct a clerical error by changing the word "there," to read "those."

Bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Watson, Wendell, West, and Zuck—33.

NOES—Mr. Traylor—1.

Title read and approved.

Senate Bill No. 70—An Act to amend section six hundred and sixty-seven of the Penal Code, concerning the punishment of a second offense after conviction of petit larceny, or an attempt to commit a State Prison offense.

Read third time, and failed to pass by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Enos, Gorman, Hill, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, and Ryan—20.

NOES—Messrs. Davis, George, Glascock, Harlan, Hittell, Lampson, Sears, Traylor, Watson, Wendell, West, and Zuck—12.

Lost.

Senate Bill No. 93—An Act regulating the selling or buying stock on margin, or to be delivered at a future day.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Rowell, Ryan, Wendell, and Zuck—22.

NOES—Messrs. Brown, Byrnes, Cheney, Dickinson, George, Hittell, Lampson, Neumann, Pardee, Sears, Traylor, Watson, and West—13.

Title read and approved.

Senate Bill No. 10—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, known as section three hundred and seven, relating to the sale and use of opium.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Sears, Watson, Wendell, West, and Zuck—35.

NOES—Mr. Pardee—1.

Title read and approved.

Senate Concurrent Resolution No. 11—Relative to the free coinage of silver into legal tender coin.

Read third time, and failed to pass by the following vote :

AYES—Messrs. Anderson, Chase, Conger, Enos, Gorman, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Pool, and Ryan—13.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Lampson, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—23.

Senate Bill No. 134—An Act to provide for the improvement of Normal School Square, in the City of San José.

Read third time.

Mr. Nye moved to recommit the bill to the Committee on Public Buildings, with instructions to strike out twenty-five thousand and insert ten thousand.

Lost.

Mr. Nye moved to amend, by striking out twenty-five thousand and inserting fifteen thousand.

Upon which the roll was called, with the following result :

AYES—Messrs. Burt, Chase, Davis, Glascock, Hittell, Kane, Moreland, Nye, and Wendell—9.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—23.

Lost.

Mr. Nye moved to recommit to the Committee on Public Buildings, with instructions to strike out in line one, section one, the words "twenty-five," and insert in place thereof the word "twenty."

Upon which the roll was called, with the following result:

AYES—Messrs. Burt, Carlock, Chase, Davis, Enos, Glascock, Gorman, Hittell, Kane, Moreland, Neumann, Nye, Pardee, Watson, Wendell, and West—16.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Cheney, Conger, Dickinson, George, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Nelson, Pool, Rowell, Ryan, Sears, and Traylor—20.

Lost.

Bill passed by the following vote :

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—28.

NOES—Messrs. Baker, Enos, Glascock, Gorman, Hittell, Kane, Moreland, Nye, and Wendell—9.

Title read and approved.

Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol Park.

Mr. Davis moved that the bill be recommitted to the author, with the following instructions: Amend section one by striking out the words "twenty-five," in line one, and insert the word "fifteen."

ADJOURNMENT.

Pending the consideration of the bill, on motion of Mr. Davis, at five o'clock P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 20, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, and the following corrections ordered made:

On page seven, printed Journal, make the time of reassembling "one o'clock and thirty minutes p. m.," instead of "two o'clock p. m."

Also, on same page, strike out the words "took a recess," and insert "adjourned."

On page eleven, printed Journal, strike out the name of Mr. Anderson as voting "aye," on Senate Bill No. 70, and change the number of "ayes" from twenty-one to twenty.

Also, strike out the words "Mr. Pardee gave notice of a motion to reconsider."

The Journal as amended was approved.

REPORT OF COMMITTEE.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, January 20, 1881.

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 1—have had the same under consideration, and respectfully report the same back without recommendation.

Also, Senate Concurrent Resolution No. 13—have had the same under consideration, and respectfully report the same back without recommendation.

BAKER, Chairman.

Mr. Johnson moved that the report and resolutions be now taken up and considered.

Upon which motion, Messrs. Enos, Dickinson, and Wendell demanded the ayes and noes, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—31.

NOES—Messrs. Dickinson, Hittell, Neumann, Nye, Pardee, Rowell, and Wendell—7.

Carried.

Mr. Dickinson moved that the consideration of the resolutions be made the special order for to-morrow, immediately after reading of Journal.

Lost.

Senate Concurrent Resolution No. 13, and Senate Joint Resolution No. 1, now taken up, and considered conjointly.

Senate Concurrent Resolution No. 13, read second time.

Mr. Davis offered the following amendment to the preamble of Senate Joint Resolution No. 1: Amend preamble by striking out from lines seven and eight, printed copy, the words: "Thus confirming upon them the rights of naturalization and citizenship."

Also, amend first resolution by striking out the word "the," in line five, after the word "prohibit," and insert in lieu thereof the words "any claim to."

Pending consideration, Mr. Johnson moved that the resolutions be taken up again immediately after roll call this afternoon.

Carried.

Mr. Zuck gave the following notice: I hereby give notice, that on to-morrow, I will move to change Standing Rule One of the Senate, by striking out the words and figures "one o'clock and thirty minutes P. M.," and inserting the words and figures "two P. M.," in the last line of said rule.

RECESS.

The hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, T aylor, Watson, Wendell, West, and Zuck.

Quorum present.

Consideration of Joint Senate Resolution No. 1, and Senate Concurrent Resolution No. 13, was resumed.

Mr. Glascock offered the following amendment to the resolution offered by himself. Add to resolution the following:

Resolved, That our Senators in Congress are hereby instructed, and our Representatives are requested, to use all means within their power to carry out the wishes of the people of this State, as herein expressed.

Resolved, That the Governor of this State be and he is hereby requested to transmit these resolutions to our said Senators and Representatives.

Mr. Wendell offered the following substitute for both preambles and resolutions:

WHEREAS, The treaty recently concluded between the United States Government and the Government of China is now before the United States Senate for ratification or rejection; and, whereas, said treaty removes the most obnoxious and odious provisions of the Burlingame Treaty, and expressly authorizes the Congress of the United States to regulate, limit, and suspend the immigration of Chinese laborers to our shores, thereby enabling Congress, by appropriate legislation, to relieve our people from that blighting curse; and, whereas, the rejection of said treaty would leave the Burlingame Treaty in full force and effect, and compel our citizens to continue to suffer for an indefinite period from the evils it entails; although we might desire that the language of said treaty had been made more definite and stringent, yet regarding the substance as of more importance than mere matters of verbal criticism, and believing it of supreme importance that our people should not only obtain relief from the evil of Asiatic immigration, but should obtain it speedily, and believing that under the proposed treaty such relief may be had, and that by its rejection it will be indefinitely postponed; now, therefore, be it

Resolved, By the Senate of the State of California, the Assembly concurring, that our Senators in Congress are hereby instructed to support the confirmation of said treaty by the Senate of the United States.

Pending consideration, the hour having arrived for special order for three o'clock p. m., on motion of Mr. Johnson it was postponed until after the disposal of the resolutions.

No quorum appearing to be present, Mr. Cheney moved that the Senate do adjourn.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—32.

Quorum present.

Mr. Wendell moved that the resolution be recommitted to the Committee on Federal Relations, with instructions to report the substitute offered by him.

Upon which motion, Messrs. Johnson, Enos, and Pardee demanded the ayes and noes.

The roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Hill, Hittell, Neumann, Pardee, Sears, Traylor, Watson, Wendell, and Zuck—18.

NOES—Messrs. Anderson, Brown, Davis, Enos, Glasecock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pool, Ryan, Satterwhite, and West—19.

Lost.

Mr. Baker offered the following substitute for both preambles and resolutions:

WHEREAS, A treaty negotiated by Commissioners of the Government of the United States with the Government of China, is now pending before the United States Senate; and whereas, in and by said treaty the Government of the United States is given the right to regulate, limit, or suspend the coming of Chinese laborers to this country, or their residence herein: now, therefore, be it

Resolved, By the Senate and Assembly of the State of California:

1. That we recognize the said treaty as a step in the right direction, inasmuch as it concedes to the Government of the United States the right and the privilege to legislate upon the subject of the immigration of Chinese laborers and their residence here.

2. That we do not accept the doctrine, that anything in the said treaty, or any other now in operation, confers the right of naturalization, or authorizes the same, and that we are unalterably opposed to any such naturalization.

3. That we are in favor of the ratification of the said treaty, and our Senators in Congress are hereby instructed to vote for and urge the ratification of the same.

4. That immediately upon the ratification of the said treaty, our Senators in Congress are instructed, and our Representatives are requested, to present, in pursuance of the said treaty, laws which shall carry out the wishes of the people of the State of California upon the subject of Chinese immigration, and to urge, with all diligence, the passage of the same.

5. That the Governor be and is hereby requested to transmit by telegraph these resolutions to our said Senators and Representatives.

And moved that the same be recommitted to the Committee on Federal Relations, with instructions to report the substitute offered by him, upon which motion the ayes and noes were demanded by Messrs. Johnson, Enos, and Pardee.

The roll was called, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Dickinson, George, Hill, Hittell, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, and Zuck—18.

NOES—Messrs. Anderson, Brown, Byrnes, Davis, Enos, Glasecock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—19.

Lost.

Mr. Pardee moved the resolutions and all germane thereto be laid upon the table.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Ryan, and Neumann.

The roll was called, with the following result:

AYES—MESSRS. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Hill, Hittell, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, and Zuck—20.

NOES—MESSRS. Anderson, Davis, Enos, Glascock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—17.

Carried.

Mr. Johnson gave notice of a motion to reconsider.

Mr. Sears arose to a point of order, that such notice is out of order, as the vote just taken is not final.

The Chair ruled the point of order well taken.

Mr. Johnson had leave to change his vote.

Mr. Johnson moved that the special order for three o'clock p. m., be further deferred until to-morrow, immediately after reading the Journal.

Mr. Dickinson asked leave to defer his motion to reconsider the vote by which Senate Bill No. 58 was passed, until to-morrow.

So ordered.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, JANUARY 20, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and found correctly engrossed the following Senate bill:

Senate Bill No. 64. An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one of the Political Code, and to add a new section to said Code, to be known as section three thousand eight hundred and seventeen, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six of said Code, providing for a duplicate assessment book.

GEORGE, Chairman.

Mr. Enos moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Baker, Neumann, and Enos, and the roll was called, with the following result:

AYES—MESSRS. Anderson, Davis, Enos, Glascock, Gorman, Harlan, Johnson, Johnston, Kane, Kelley, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—17.

NOES—MESSRS. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Hill, Hittell, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—22.

Lost.

Mr. Sears moved to lay Senate Concurrent Resolution No. 13, introduced by Mr. Glascock, on the table, upon which motion the ayes and noes were demanded by Messrs. Johnson, Enos, and Ryan, and the roll was called, with the following result:

AYES—MESSRS. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Hill, Hittell, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—22.

NOES—Messrs. Anderson, Davis, Enos, Glaseock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—17.

Carried.

ADJOURNMENT.

On motion of Mr. Enos, at five o'clock and five minutes p. m., the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Friday, January 21, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glaseock, Gorman, Harlan, Hall, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read, and the following corrections ordered made: On page two, printed Journal, in relation to Senate Joint Resolution No. 1, strike out the words "read second time."

Also, on page three insert substitute resolutions offered by Mr. Wendell, as follows:

WHEREAS, The treaty recently concluded between the United States Government and the Government of China is now before the United States Senate for ratification or rejection: and whereas, said treaty removes the most obnoxious and odious provisions of the Burlingame Treaty, and expressly authorizes the Congress of the United States to regulate, limit, and suspend the immigration of Chinese laborers to our shores, thereby enabling Congress, by appropriate legislation, to relieve our people from that blighting curse: and whereas, the rejection of said treaty would leave the Burlingame Treaty in full force and effect, and compel our citizens to continue to suffer for an indefinite period from the evils it entails: although we might desire that the language of said treaty had been made more definite and stringent, yet regarding the substance as of more importance than mere matters of verbal criticism, and believing it of supreme importance that our people should not only obtain relief from the evil of Asiatic immigration, but should obtain it speedily, and believing that under the proposed treaty such relief may be had, and that by its rejection it will be indefinitely postponed: now, therefore, be it

Resolved, By the Senate of the State of California, the Assembly concurring, that our Senators in Congress are hereby instructed to support the confirmation of said treaty by the Senate of the United States.

Also, on page three insert substitute resolutions offered by Mr. Baker, as follows:

WHEREAS, A treaty negotiated by Commissioners of the Government of the United States with the Government of China, is now pending before the United States Senate: and whereas, in and by said treaty the Government of the United States is given the right to regulate, limit, or suspend the coming of Chinese laborers to this country, or their residence herein: now, therefore, be it

Resolved, By the Senate and Assembly of the State of California:

1. That we recognize the said treaty as a step in the right direction, inasmuch as it concedes to the Government of the United States the right and the privilege to legislate upon the subject of the immigration of Chinese laborers and their residence here.

2. That we do not accept the doctrine, that anything in the said treaty, or any other now in operation, confers the right of naturalization, or authorizes the same, and that we are unalterably opposed to any such naturalization.

3. That we are in favor of the ratification of the said treaty, and our Senators in Congress are hereby instructed to vote for and urge the ratification of the same.

4. That immediately upon the ratification of the said treaty, our Senators in Congress are instructed, and our Representatives are requested, to present, in pursuance of the said treaty, laws which shall carry out the wishes of the people of the State of California upon the subject of Chinese immigration, and to urge, with all diligence, the passage of the same.

5. That the Governor be and is hereby requested to transmit by telegraph these resolutions to our said Senators and Representatives.

Also, on page four, in relation to leave granted Mr. Dickinson, to move to reconsider the vote on Senate Bill No. 58—insert the words, “so ordered.”

Also, on page twelve, printed Journal of the nineteenth instant, on the passage of Senate Bill No. 134—in the negative vote, strike out the name of Mr. Baker, and insert in lieu thereof the name of Mr. Burt.

The Journal as amended was approved.

Mr. Davis asked leave of absence for Committee on Education for Monday and Tuesday next.

So ordered.

Mr. Watson asked leave of absence for Committee on State Prison on Saturday.

So ordered.

SPECIAL ORDERS—FRIDAY, JANUARY 21, 1881.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved. That the sum of nine hundred and twenty dollars be and the same is hereby appropriated out of the appropriation for the Contingent Fund of the Senate, to pay James Byrnes for his expenses incurred in the contest of the seat of Robert Besty, as a Senator, and the Controller be and he is hereby directed to draw his warrant in favor of said James Byrnes for said sum:

Have had the same under consideration, and the undersigned report back, and recommend that the same be not adopted.

JAS. C. ZUCK,
W. W. MORELAND.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved. That the sum of nine hundred and twenty dollars be and the same is hereby appropriated out of the appropriation for the Contingent Fund of the Senate, to pay James Byrnes for his expenses incurred in the contest of the seat of Robert Besty, as a Senator, and the Controller be and he is hereby directed to draw his warrant in favor of said James Byrnes for said sum:

Have had the same under consideration, and the undersigned report back, and recommend that the same be adopted.

A. B. CARLOCK,
T. K. NELSON.

Mr. Carlock moved that the report signed by himself and Mr. Nelson be adopted.

Upon which the ayes and noes were demanded.

The roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Conger, Dickinson, Enos, George, Gorman, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Pool, Ryan, Sears, Traylor, and Watson—21.

NOES—MESSRS. Anderson, Burt, Chase, Davis, Glascock, Harlan, Hill, Hittell, Langford, Moreland, Nye, Rowell, Wendell, West, and Zuck—15.

Adopted.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved, That the sum of five hundred dollars be and the same is hereby appropriated out of the appropriation for the Contingent Fund of the Senate, to pay T. J. Pinder for his expenses incurred in the contest of the seat of W. W. Traylor, as a Senator, and the Controller be and he is hereby directed to draw his warrant in favor of said T. J. Pinder for said sum;

Have had the same under consideration, and the undersigned majority of the committee, report back, and recommend that the same be not adopted.

JAS. C. ZUCK,
W. W. MORELAND,
A. B. CARLOCK.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved, That the sum of five hundred dollars be and the same is hereby appropriated out of the appropriation for the Contingent Fund of the Senate, to pay T. J. Pinder for his expenses incurred in the contest of the seat of W. W. Traylor, as a Senator, and the Controller be and he is hereby directed to draw his warrant in favor of said T. J. Pinder for said sum;

Have had the same under consideration, and the undersigned reports back, and recommend that the same be adopted.

T. K. NELSON.

Mr. Zuck moved that the report signed by himself, and Messrs. Moreland and Carlock, be adopted.

Upon which motion, the ayes and noes were demanded by Messrs. Rowell, Davis, and Johnson, and the roll was called, with the following result:

AYES—MESSRS. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Johnston, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuck—25.

NOES—MESSRS. Byrnes, Conger, Enos, Gorman, Johnson, Kane, Kelly, Nelson, Pool, and Ryan—10.

Adopted.

REPORTS OF COMMITTEES.

By Mr. Hill:

SENATE CHAMBER, SACRAMENTO, January 21, 1881.

MR. PRESIDENT: Your Committee on Chinese and Chinese-Immigration, to whom was referred Senate Bill No. 51—An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, any county, city and county, municipality, or other political subdivision of this State, is a party—report the same back, and recommend that it be referred to the Judiciary Committee.

Also, Senate Bill No. 155—An Act in relation to the business in which Chinese shall be permitted to engage in California—report the same back, and recommend that it be referred to the Judiciary Committee.

Also, Senate Bill No. 180—An Act for the regulation of hotels, lodging houses, sleeping apartments, for sanitary purposes, and for the enforcement of the same, in an incorporated city and county—report the same back, and recommend its passage.

HILL, Chairman.

By Mr. Burt:

SENATE CHAMBER, SACRAMENTO, January 21, 1881.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 162—Entitled "An Act to regulate license for the sale of liquors"—beg leave to report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 168—Recommending that the author have leave to withdraw the same, as the subject matter is embodied in Senate Bill No. 162.

BURT, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, January 21, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 171, have had the same under consideration, and report the same back and recommend that the author have leave to withdraw it.

Also, Senate Bill No. 215, and recommend that it be referred to the Senate Committee on Corporations.

WENDELL, Chairman.

A division of the vote being demanded, on motion of Mr. Wendell to recommit Senate Bill No. 215 to Committee on Corporations, the motion prevailed by the following vote: Ayes, 24; noes, 9.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, January 21, 1881.

MR. PRESIDENT: A majority of the Committee on Public Buildings, to whom was referred Senate Bill No. 187—An Act to establish a Branch State Normal School—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 92—An Act to provide buildings and improvements for the Institution for the Deaf, and Dumb, and the Blind—have had the same under consideration, and respectfully report the same back without recommendation.

BAKER, Chairman.

By Mr. Hill:

SENATE CHAMBER, SACRAMENTO, January 21, 1881.

MR. PRESIDENT: A minority of the Committee on Public Buildings, to whom was referred Senate Bill No. 187—An Act to establish a Branch State Normal School—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

W. J. HILL,
W. W. TRAYLOR.

By Mr. West:

SENATE CHAMBER, SACRAMENTO, January 21, 1881.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 14—“An Act to provide for the protection of sheep and other domestic animals;”

Also, Senate Bill No. 24—An Act to repeal an Act entitled “An Act for the better protection of fruit trees and vines,” approved April ninth, eighteen hundred and eighty:

Have had the same under consideration, and report them back, and recommend that Senate Bill No. 14 be passed, and that Senate Bill No. 24 do not pass.

WEST, Chairman.

Mr. Zuck now asked leave to make his motion so amend Rule One. So ordered.

Mr. Zuck moved to amend Rule One in regard to reassembling after recess, so as to change the hour from one o'clock and thirty minutes P. M. to two o'clock P. M.

Carried.

Mr. Zuck gave the following notice:

I hereby give notice that I will, on to-morrow, move to amend Senate Rule One, by striking out in said rule the words: “from one o'clock and thirty minutes,” and insert the words: “two o'clock.”

ZUCK.

INTRODUCTION OF BILLS.

By Mr. Traylor: Senate Bill No. 232—An Act to provide for the disposal of the blocks and lots in the City and County of San Francisco, formed by the change of the water-front line, and bounded by the seawall, and the streets extended so as to intersect it, and to repeal certain Acts in conflict therewith.

Read first time and referred to Committee on Commerce and Navigation.

By Mr. Watson: Senate Bill No. 233—An Act concerning the purchase of materials or supplies for State institutions, or for State purposes.

Read first time and referred to Committee on State Prison.

By Mr. Johnson: Senate Bill No. 234—An Act to provide for payment of rents for a hall for lectures for Hastings's College of the Law.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 235—An Act to provide for the payment of the indebtedness now outstanding of swamp land districts of this State, represented by State Controller's warrants drawn on the State treasury.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

Also, Senate Bill No. 236—An Act to amend an Act entitled an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March twenty-fifth, eighteen hundred and eighty.

Read first time, and referred to Committee on Finance.

By Mr. Langford: Senate Concurrent Resolution No. 18—Relating to aid for the ship railroad across the Isthmus of Tehuantepec.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Pardee: Senate Bill No. 237—An Act to repeal an Act entitled "An Act entitled an Act to district the City of Oakland into wards," approved February nineteenth, eighteen hundred and seventy-six.

Read first time, and referred to Committee on Judiciary.

By Mr. Neumann: Senate Bill No. 238—An Act concerning costs incurred in contests for seats in the Legislature of the State of California.

Read first time, and referred to Committee on Elections.

By Mr. Nye: Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Read first time, and referred to Judiciary Committee.

By Mr. Conger: Senate Bill No. 240—An Act to provide for the establishment of Boards of Health in counties of the first class, defining their powers, and prescribing the officers and employes under such Boards.

Read first time, and referred to Committee on Hospitals.

By Mr. Carlock: Senate Bill No. 241—An Act to establish a Branch State Normal School.

Read first time, and referred to Committee on Public Buildings.

By Mr. Enos: Senate Bill No. 242—An Act to empower societies for the prevention of cruelty to animals to take money under wills.

Read first time, and referred to Judiciary Committee.

By Mr. Rowell: Senate Bill No. 243—An Act to establish the California institution for the education of feeble-minded children, and appropriations for its erection and maintenance.

Read first time, and referred to Committee on Hospitals.

By Mr. Kane: Senate Bill No. 244—An Act to establish a State farming school for the protection of boys, residents of this State.

Read first time, and referred to Committee on Agriculture.

RECESS.

The hour having arrived, the President declared a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Glascock, Gorman, Harlan, H. H., Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Mansfield, Nelson, Newstrom, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol Park.

The question recurred upon the adoption of Mr. Davis' motion to recommit, with instructions to amend by striking out twenty-five thousand dollars, and inserting fifteen thousand dollars.

Mr. Sears moved as an amendment, that the bill be recommitted with instructions to amend as follows: Amend section one, line one, by striking out the word "five," and inserting "two." Amend section one, line three, by striking out the word "park," and insert the word "grounds." Amend line seven, of section one, by striking out all after the words "portions of the State Capitol," and insert the following: "Grounds commencing at and including the gateway at the foot of Eleventh Street: thence along L Street to Tenth Street: thence along Tenth Street to N Street: thence along N Street to Eleventh, including the gateway at the head of Eleventh Street." Amend the title by striking out the word "park," and inserting the word "grounds."

The question being upon the adoption of the amendment of Mr. Davis, the ayes and noes were demanded by Messrs. Satterwhite, Johnson, and Zuck, and the roll was called with the following result:

Ayes—Messrs. Burt, Chase, Glascock, Hittell, Lampson, Mansfield, Nye, Pardee, Rowell, Satterwhite, Wendell, and Zuck—12.

Noes—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Dickinson, George, Gorman, Harlan, H. H., Johnson, Johnston, Kane, Kelly, Pool, Ryan, Sears, Traylor, Watson, and West—22.

Lost.

The question being upon the adoption of the amendment of Mr. Sears, the ayes and noes were demanded by Messrs. Chase, Johnson, and Hittell, and the roll was called with the following result:

Ayes—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Conger, Harlan, H. H., Johnson, Johnston, Nelson, Nye, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—19.

Noes—Messrs. Baker, Burt, Cheney, George, Gorman, Hittell, Kane, Kelly, Lampson, Neumann, Pardee, Pool, Ryan, and Watson—14.

Carried.

Senate Bill No. 62—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

Read third time.

President pro tem. in the chair.

Bill failed to pass by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Cheney, Glaseock, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Ryan, West, and Zuck—19.

NOES—Messrs. Byrnes, Chase, Conger, Dickinson, Enos, George, Gorman, Hittell, Kane, Kelly, Nelson, Neumann, Satterwhite, Sears, Traylor, Watson, and Wendell—17.

Mr. Wendell gave notice of a motion to reconsider the vote just had.

REPORT OF COMMITTEE.

By Mr. Burt:

SENATE CHAMBER, SACRAMENTO, January 21, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Concurrent Resolution No. 3—and that the same has this day been placed in the hands of the Governor, at three o'clock and twenty minutes p. m.

BURT, for the Committee.

SECOND READING.

Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese.

Read second time, and bill ordered engrossed.

Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to decisions and findings by Courts.

Passed on file.

Senate Bill No. 56—An Act for the payment of certain bonds issued to Commissioners as compensation for auditing certain claims arising out of Indian hostilities.

Mr. Traylor moved to indefinitely postpone the bill, upon which motion Messrs. Hill, Zuck, and Lampson demanded the ayes and noes, and the roll was called with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Glaseock, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—30.

NOES—Messrs. Burt, Enos, Gorman, Langford, and Ryan—5.

So ordered.

Senate Bill No. 149—An Act to amend section two hundred and eighty-five of the Penal Code, relating to the punishment of incest.

Mr. Dickinson asked that the bill be placed at foot of file.

So ordered.

Mr. Dickinson now moved that the vote by which Senate Bill No. 58 was passed, be reconsidered.

Mr. Wendell moved a call of the House.

Lost.

Upon the motion to reconsider, Messrs. Wendell, Dickinson, and Pardee demanded the ayes and noes, and the roll was called with the following result:

AYES—Messrs. Brown, Byrnes, Conger, Dickinson, Enos, George, Gorman, Hittell, Kelly, Langford, Nelson, Neumann, Pool, and Traylor—14.

NOES—Messrs. Anderson, Burt, Chase, Cheney, Glaseock, Harlan, Hill, Johnston, Kane, Lampson, Moreland, Pardee, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—19.

Lost.

The President ordered the following communication to be read:

MR. PRESIDENT: I hereby tender my resignation as Mail Carrier of the Senate, to take effect January twenty-second, eighteen hundred and eighty-one.

Yours respectfully,

J. W. JOHNSTON.

Resignation accepted.

RESOLUTION.

By Mr. Rowell (by leave):

Resolved, That J. F. Seel be hereby appointed Mail Carrier of the Senate, at a per diem of three dollars.

Adopted.

Senate Concurrent Resolution No. 5—Relative to appropriating money for improvement of Eel river, Humboldt County, for the purpose of navigation.

Read second time, and ordered engrossed.

Senate Bill No. 22—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of the Code of Civil Procedure, relating to findings.

Withdrawn by the author.

Senate Bill No. 67—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure, relating to appeals in civil actions.

Passed on file.

Senate Bill No. 117—An Act to amend section one thousand and seventy of the Penal Code, and to reduce the number of peremptory challenges in criminal cases.

Read second time, amendments adopted, and bill ordered engrossed.

Senate Bill No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition.

Read second time, and ordered engrossed.

Senate Bill No. 77—An Act to amend section six hundred and eighty-eight of the Code of Civil Procedure.

Passed on file.

Senate Bill No. 78—An Act to amend sections one thousand and forty-four and two thousand nine hundred and forty-seven of the Code of Civil Procedure.

Passed on file.

Senate Bill No. 95—An Act to amend section seventy-eight of the Civil Code, relating to the manner by which the validity of marriage may be determined and declared.

Read second time, and ordered engrossed.

Senate Bill No. 97—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of the Civil Code, relating to actions for proving instruments and correcting defective certificates of acknowledgments.

Read second time, and ordered engrossed.

Senate Bill No. 98—An Act to amend section one thousand four hundred and five of the Civil Code, relating to succession.

Read second time, and ordered engrossed.

Senate Bill No. 99—An Act to amend section two thousand two

hundred and eighty-two of the Civil Code, relating to the manner in which a trustee may be discharged from his trust.

Read second time, and ordered engrossed.

Senate Bill No. 100—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors.

Read second time, and ordered engrossed.

Senate Bill No. 109—An Act to amend an Act entitled "An Act relating to children," approved March thirtieth, eighteen hundred and seventy-eight.

Read second time, and substitute of committee adopted, and bill ordered engrossed.

Senate Bill No. 116—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Read second time, and ordered engrossed.

Senate Bill No. 121—An Act to provide for the erection of monuments at the graves of persons dying in this State.

Read second time.

Mr. Wendell moved that the bill be indefinitely postponed.

So ordered.

Senate Bill No. 122—An Act to amend section one hundred and ninety of the Penal Code.

Read second time, amendments adopted, and bill passed on file temporarily.

Senate Bill No. 138—An Act to amend section thirty-two of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Read second time, and ordered engrossed.

Senate Bill No. 150—An Act to amend sections fifteen and sixty-six of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Read second time, and ordered engrossed.

Senate Bill No. 133—An Act to amend section three thousand nine hundred and twenty-eight of the Political Code, relating to the boundaries and county seat of Sacramento County.

Read second time, amendments adopted, and ordered engrossed.

Senate Bill No. 38—An Act to authorize the Controller and Treasurer of the State to transfer certain funds.

Read second time, amendments adopted, and ordered engrossed.

Senate Bill No. 20—An Act to amend sections fourteen and fifteen of an Act entitled "An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall," approved March twenty-fourth, eighteen hundred and seventy six.

Read second time.

Mr. Hittell moved that the bill be indefinitely postponed.

So ordered.

Senate Bill No. 81—An Act to add to Part II, Division Second, of the Civil Code, a new title, to be known as Title V, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight

hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining laws, and forming mining districts.

Read second time, amendments of committee adopted, and bill ordered engrossed.

REPORT OF COMMITTEE.

By Mr. Dickinson (by leave):

SENATE CHAMBER, SACRAMENTO, January 21, 1881.

MR. PRESIDENT: Your Committee on Military Affairs beg leave to report that they have had under consideration Senate Bills Nos. 249 and 227—and report the same back with amendments, and recommend their passage as amended.

DICKINSON, Chairman.

NOTICE.

By Mr. Kane:

MR. PRESIDENT: I hereby give notice that, on to-morrow morning, immediately after the reading of the Journal, I will call for a report from the Committee on Commerce and Navigation, as to their action on Senate Bill No. 15.

THOMAS KANE.

Senate Bill No. 26—An Act to add to Part II, Division Second, of the Civil Code, a new title, to be known as Title Five, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining laws.

Mr. Neumann asked leave to withdraw the bill.

So ordered.

Senate Concurrent Resolution No. 10—Concerning the transfer of mineralogical specimens to the Mining Bureau.

Read second time, and ordered engrossed.

Senate Bill No. 77 was again taken up.

Amended as follows: Amend title, by adding the words "relating to what shall be liable to be seized on execution."

And bill ordered engrossed.

Senate Bill No. 78 was again taken up.

Read second time.

Amended as follows: Add to title, "relating to transfer of property." Also, in section three, strike out the words "being deemed of immediate importance."

Bill as amended ordered engrossed.

Senate Bill No. 75—An Act to pay the claim of the members and employes of the late Board of Reclamation Fund Commissioners.

Mr. Enos moved to recommit bill to Committee on Claims.
So ordered.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Saturday, January 22, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, George, Glasecock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Lampson, Langford, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORT OF STANDING COMMITTEES.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, January 22, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 157—An Act to punish baggage smashers—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 164—An Act to establish a simple and inexpensive system of procedure in civil cases—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 165—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State—and recommend its indefinite postponement.

Also, Senate Bill No. 136—An Act to prevent summary dismissal of public officials and employees without just cause and public trial—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 86—An Act to amend sections eight hundred and eleven and eight hundred and twelve of the Penal Code, relating to warrants of arrest—and recommend that it be indefinitely postponed.

WENDELL, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, January 22, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 124—An Act to provide for the deficiency in the appropriation "for the payment for stationery, lights, etc., for the Legislature and State officers," during the thirty-first fiscal year—have had the same under consideration, report back, and recommend its passage.

Also, Senate Bill No. 126—An Act to provide for the deficiency in the appropriation "for payment of postage and contingent expenses of Clerk of Supreme Court," during the thirty-first fiscal year—and recommend its passage.

Also, Senate Bill No. 127—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol building, and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years—and recommend its passage.

Also, Senate Bill No. 128—An Act to provide for the deficiency in the appropriation "for postage and expressage in the office of the Superintendent of Public Instruction," during the thirty-first fiscal year—and recommend its passage.

Also, Senate Bill No. 129—An Act to provide for the payment of deficiencies in the appropriation for pay for procuring and listing lands to the State by the United States, for the twenty-fourth and twenty-fifth fiscal years—and recommend its passage.

Also, Senate Bill No. 130—An Act to provide for the deficiency in the appropriation "for payment of rewards offered by Governor," during the thirty-first fiscal year—and report the same with amendments, and recommend its passage as amended.

Also, Senate Bill No. 131—An Act to pay the claim of L. L. Lewis & Company—and recommend its passage.

Also, Senate Bill No. 125—An Act to provide for the deficiency in the appropriation "for postage and expressage in the Adjutant-General's office," during the thirty-first fiscal year—and recommend that the author be allowed to withdraw the same.

Also, Senate Bill No. 132—An Act to provide for the deficiency in the appropriation "for payment for armory rents and other expenses of National Guard," during the thirty-first fiscal year—and recommend that the author be allowed to withdraw the same.

TRAYLOR, Chairman.

Mr. Zuck asked leave to withdraw Senate Bills Nos. 125 and 132.

So ordered.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, January 22, 1881.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 193—An Act to protect railroad corporations in the enjoyment of their franchises—have had the same under consideration, and the majority report the same back to the Senate, and recommend that it be indefinitely postponed, and the minority recommend its passage.

SEARS, Chairman.

MAJORITY REPORT OF SENATE CORPORATION COMMITTEE.

SENATE CHAMBER, SACRAMENTO, January 22, 1881.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 193—An Act to amend section two thousand seven hundred and fifty-six of the Civil Code, and to add a new section to the same Code, to be known as section two thousand seven hundred and fifty-seven, concerning fire insurance—have had the same under consideration, and the majority report the same back to the Senate, and recommend its passage.

SEARS.

Also:

SENATE CHAMBER, SACRAMENTO, January 22, 1881.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 30—An Act to amend section four hundred and twenty-seven of the Civil Code, concerning investments of the capital stock and funds of insurance companies—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 102—An Act to regulate fire, marine, and inland insurance companies transacting business in this State—and recommend that the author have leave to withdraw it.

SEARS, Chairman.

MESSAGES FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 21, 1881.)

To the Senate of California:

I herewith transmit to your honorable body the report of the State Harbor Commissioners on the seawall, and means for its construction.

GEO. C. PERKINS, Governor.

Also:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 20, 1881.)

To the Senate of the State of California:

In accordance with the requirements of Assembly Concurrent Resolution number twenty-five, adopted at the twenty-third session of the Legislature, requesting the Governor to prepare, or cause to be prepared, a statement of the unpaid indebtedness of the several swamp land districts organized by the State Board of Swamp Land Commissioners, etc., I have the honor to transmit this report embracing such information, and request that the Assembly be informed of its receipt.

GEORGE C. PERKINS, Governor.

Mr. Johnson moved that one thousand copies of report relating to swamp land districts be printed.
So ordered.

ASSEMBLY MESSAGES.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-first, eighteen hundred and eighty-one, passed Assembly Bill No. 52—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-nine, seven hundred and fifty, and seven hundred and fifty-one, concerning actions to establish lost boundaries to real property.

J. M. WRIGHT, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twentieth, eighteen hundred and eighty-one, passed Senate Concurrent Resolution No. 3—Relative to forwarding copies of certain laws to Superior Judges, District Attorneys, and County Clerks.

GEO. E. McSTAY, Chief Clerk.

Per FRANK J. HIGGINS, Assistant Clerk.

Also, Assembly Concurrent Resolution No. 9—Relative to report of Railroad Commissioners.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Concurrent Resolution No. 9—Relative to report of Railroad Commissioners.

Read first time, and, on motion of Mr. Johnson, referred to Committee on Corporations, to report on Tuesday morning next.

Assembly Bill No. 52—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-nine, seven hundred and fifty, and seven hundred and fifty-one—concerning actions to establish lost boundaries to real property.

Read first time, and referred to Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. George: Senate Bill No. 245—An Act to amend section five hundred and twenty-eight of the Political Code, relating to the duties of State Printer.

Read first time, and referred to Committee on Public Printing.

By Mr. Gorman (by request): Senate Bill No. 246—An Act to compel the use of a brand, stamp, stencil, or trademark on all manufactured commodities.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Traylor: Senate Bill No. 247—An Act making an appropriation for official advertising for the thirty-first fiscal year.

Read first time, and referred to Committee on Claims.

By Mr. Johnson: Senate Bill No. 248—An Act to pay the claim of the heirs of E. G. Jefferis, late State Printing Expert.

Read first time, and referred to Committee on Claims.

Mr. Wendell called up his notice of motion to reconsider Senate Bill No. 62, upon which motion the ayes and noes were demanded by Messrs. Chase, Wendell, and Ryan, and the roll was called, with the following result:

Ayes—Messrs. Anderson, Burt, Carlock, Cheney, Glaseock, Harlan, Hill, Johnson, Nye, Pardee, Pool, Ryan, Wendell, West, and Zuck—15.

Noes—Messrs. Byrnes, Chase, Conger, Dickinson, George, Gorman, Hittell, Kane, Kelly, Nelson, Sears, and Traylor—12.

Carried, and bill ordered placed on file.

By Mr. George: Senate Concurrent Resolution No. 19, relating to the war between Chili and Peru.

Read first time, and referred to Committee on Federal Relations.

By Mr. Gorman (by leave): Senate Bill No. 249—An Act relating to keeping cows for the production of milk fed on unwholesome food.

Read first time, and referred to Committee on Agriculture.

By Mr. Wendell (by leave): Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

Read first time, and referred to Judiciary Committee.

SECOND READING.

Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to decisions and findings by Courts.

Passed on file.

Senate Bill No. 67—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure, relating to appeals in civil actions.

Passed on file.

By Mr. Lampson (by leave): Senate Bill No. 251—An Act adding a new section to the Penal Code, relating to the crime of rape, and repealing so much of section two hundred and twenty as is in conflict therewith.

Read first time, and referred to Judiciary Committee.

REPORTS OF COMMITTEES (BY LEAVE).

By Mr. Dickinson (by leave):

SENATE CHAMBER, SACRAMENTO, January 20, 1881.

MR. PRESIDENT: Your Committee on Commerce and Navigation have had Senate Bill No. 115—relative to instructing our Senators and Congressmen to procure appropriations from General Government to improve Islais Creek, in City and County of San Francisco—under consideration, and report the same back, and recommend the same to be indefinitely postponed.

DICKINSON, Chairman.

By Mr. West (by leave):

SENATE CHAMBER, SACRAMENTO, January 20, 1881.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 159—An Act to encourage the destruction of coyotes—have had the same under consideration, and report the same back to the Senate, and recommend that the author of the bill have leave to withdraw the same, it being the sense of the committee that the subject matter of the bill is embraced in subdivision twenty-three of section four thousand and thirty of Senate Bill No. 40.

Also, Senate Bill No. 104—An Act to promote the horticultural interests of the State—and recommend that it do not pass.

WEST, Chairman.

Mr. Johnson moved that when the Senate adjourns, it adjourns until Tuesday next, at two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Hill, Johnson, and Burt, and the roll was called, with the following result:

AYES—Messrs. Cheney, Conger, Johnson, Langford, Nelson, Pool, Satterwhite, Traylor, Wendell, and West—10.

NOES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Dickinson, George, Glasecock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Lampson, Nye, Pardee, Ryan, Sears, and Zuck—20.

Lost.

Senate Bill No. 122—An Act to amend section one hundred and ninety of the Penal Code.

Mr. Wendell moved to amend title of bill by adding the words "relating to the punishment of murder."

Adopted.

Read second time.

Mr. Chase moved to amend line four by striking out the words "suffer death," and insert "shall be sent to State Prison during life, and shall not be pardoned except upon positive evidence of innocence of the murder charged."

Lost.

Upon the question of the engrossment of the bill, the ayes and noes were demanded by Messrs. Chase, Pardee, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Conger, George, Gorman, Kane, Pardee, and Wendell—8.

NOES—Messrs. Anderson, Chase, Cheney, Hill, Hittell, Johnson, Kelly, Lampson, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, and West—15.

Lost.

Mr. Davis moved that the author of Senate Bill No. 102 have leave to draw the bill.

So ordered.

REPORT OF COMMITTEE.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, January 22, 1881.

MR. PRESIDENT: The minority of the Committee on Corporations beg leave to report against the passage of Senate Bill No. 183—"An Act to amend section two thousand seven hundred and fifty-six of the Civil Code, and to add a new section to the same Code, to be known as section two thousand seven hundred and fifty-seven, concerning fire insurance."

We believe the effect of such a law would legally promote incendiarism, increase the rates of insurance, and hazard the safety of property. It offers a reward to dishonest owners of property to commit arson. It encourages criminal partnerships between insurance agents and property owners. It places a tempting prize within the reach of dishonest agents and unscrupulous owners. It opens the door of fraud, and invites them to enter into collusion. With hundreds of agents scattered over the State, it is impossible for insurance companies to know the real value of property, except at great expense, which would increase the rates of insurance. No honest man desires to receive more than the value of his property destroyed by fire; and no dishonest man should be allowed an opportunity of receiving more. Insurance premiums are graded and regulated by the losses. The increase of losses necessarily increases the burdens in the shape of additional premiums. This bill to some seems plausible at first glance. It is like many articles of vice that are fair and beautiful to look upon, but injurious when indulged in. If this bill should become a law, it is reasonable to suppose that many buildings would be insured for more than their true value in the various cities and towns in the State, and the amount of insurance on such buildings in excess of their value would be an incentive to owners to burn them, would create insecurity in the minds of honest owners, and expose contiguous property to incendiary fires. For these and many other reasons, the minority of the committee believe the passage of this bill would be unwise and dangerous to the best interests of the people and property in the State.

SEARS, for the minority of the Committee.

By Mr. George:

Your Committee on Engrossment have examined Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds—and report the same as correctly engrossed.

GEORGE, Chairman.

SECOND READING OF BILLS.

Senate Bill No. 4—An Act to repeal an Act entitled "An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of the State," approved April twenty-fourth, eighteen hundred and eighty.

Passed on file.

Senate Bill No. 143—An Act to prevent Trustees, Councils, Boards of Supervisors, and other local legislative bodies from holding secret meetings.

Passed on file.

Senate Concurrent Resolution No. 8—Relating to the prohibition of importation of alcoholic liquors.

Read second time.

Upon the question of the engrossment of the bill, the ayes and noes were demanded by Messrs. Pardee, Sears, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Burt, Chase, Cheney, Dickinson, George, Glasecock, Gorman, Harlan, Hill, Johnson, Kane, Kelly, Lampson, Nye, Pardee, Wendell, and West—17.

NOES—Messrs. Anderson, Byrnes, Conger, Huttell, Pool, Ryan, Satterwhite, and Sears—8.

Carried, and ordered engrossed.

MEMORIAL.

Mr. Nye (by leave) offered a memorial from the Pacific Social Science Association of San Francisco, in relation to the system of taxation.

Referred to Committee on Finance.

REPORT OF COMMITTEE.

By Mr. Sears (by leave):

SENATE CHAMBER, SACRAMENTO, January 22, 1881.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 91—An Act to regulate fire, marine, and inland insurance companies transacting business in this State—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

SEARS, Chairman.

SECOND READING RESUMED.

Senate Bill No. 107—An Act to amend section one thousand and eighty-four of the Political Code, relating to elections.

Mr. Cheney moved that the bill be indefinitely postponed.

So ordered.

Senate Bill No. 108—An Act to add a new section to the Political Code, and to amend sections one thousand two hundred and thirty and one thousand two hundred and thirty-six of the same, relating to elections.

Read second time.

Upon the recommendation of the committee to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Lamp-

son, Glascock, and Pardee, and the roll was called, with the following result :

AYES—Messrs. Chase, Cheney, Conger, Dickinson, Glascock, Gorman, Hill, Hittell, Kane, Kelly, Pool, Ryan, Satterwhite, Sears, Wendell, and West—16.

NOES—Messrs. Anderson, Byrnes, George, Harlan, Johnson, Lampson, Nye, and Pardee—8.

So ordered.

Senate Bill No. 144—An Act to amend section one thousand one hundred and eighty-seven of the Political Code, in relation to the paper to be used for ballots.

Read second time.

Mr. Ryan moved to amend the bill by striking out the word "pure."

So ordered.

Mr. George moved to amend bill as follows: Add, "and shall be of California manufacture."

Lost.

Bill ordered engrossed.

RECESS.

The hour having arrived, the President declared a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Anderson, Burt, Byrnes, Chase, Cheney, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Lampson, Pardee, Pool, Ryan, Sears, Wendell, and Zuck.

Quorum present.

Mr. Dickinson moved that the Senate now take up the second reading of bills.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 156—An Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, and one thousand eight hundred and eighty-seven, relating to the issuance of bonds by the trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

Read second time.

Mr. Johnson moved to amend by striking out the word "ten," and insert the word "twenty."

So ordered.

Mr. Dickinson moved to amend by striking out, in line four, of section six, of printed bill, "eight," and insert "six."

Mr. Lampson moved to amend section six, printed bill, line four, and insert "seven," and strike out "eight per cent."

On motion, bill passed on file.

INTRODUCTION OF BILLS.

By Mr. Glascock (by leave): Senate Bill No. 252—An Act to amend section one thousand one hundred and seventy-three of the Penal Code, relating to exceptions taken by defendants in criminal cases.

Read first time, and referred to Committee on Judiciary.

SECOND READING OF BILLS.

Senate Bill No. 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code.

Mr. Sears moved to amend the title by adding the words "relating to public schools."

Adopted.

Read second time, and bill ordered engrossed.

Senate Bill No. 153—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March twenty-fifth, eighteen hundred and eighty.

Passed on file.

Mr. Wendell moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Wendell, Johnson, and Ryan, and the roll was called, with the following result:

AYES—Messrs. Chase, Cheney, Conger, Gorman, Johnson, Kelly, Pool, Ryan, Satterwhite, Wendell, and West—11.

NOES—Messrs. Anderson, Burt, Byrnes, Dickinson, George, Glascock, Harlan, Hill, Huttell, Kane, Lampson, Nye, Pardee, Sears, and Zuck—15.

Lost.

Mr. Zuck called up his motion to amend Rule Seven by striking out in said rule the words "from one o'clock and thirty minutes," and insert the words "two o'clock," and moved its adoption.

Adopted.

Mr. Johnson moved to amend by also striking out the word "three" and inserting "four," in Rule Seven.

Adopted.

SECOND READING RESUMED.

Senate Concurrent Resolution No. 1—Relating to sales of public lands.

Read second time, and ordered engrossed.

Senate Bill No. 145—An Act to ascertain and express the will of the people of the State of California upon the manner of electing President and Vice-President of the United States.

Mr. Dickinson moved that the bill be passed on the file.

A division of the vote being demanded, the motion prevailed by the following vote: Ayes, 16; noes, 8.

Senate Bill No. 191—An Act to pay the claim of W. C. Guirey.

Mr. Zuck moved that the bill be postponed indefinitely.

Mr. Dickinson moved that the bill be made the special order for Monday next, at three o'clock P. M.

So ordered.

Senate Bill No. 180—An Act for the regulation of hotels, lodging houses, and sleeping apartments for sanitary purposes, and for the enforcement of the same, in an incorporated city, or city and county.

Read second time.

Mr. Hittell moved to indefinitely postpone the bill.

So ordered.

Senate Bill No. 162—An Act to regulate licenses for the sale of liquors.

Read second time, and amendments of committee adopted.

Mr. Hill moved to amend section four by substituting the following: "Section 4. No license provided for by this Act shall be granted for a less period than twelve months."

Mr. Wendell moved to recommit the bill to Committee on Public Morals.

So ordered.

ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
MONDAY, January 24, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Dickinson, George, Hill, Hittell, Johnson, Kane, Neumann, Nye, Ryan, Satterwhite, Sears, West, and Zuck.

No quorum being present, on motion of Mr. Johnson the Senate adjourned until two o'clock P. M. this day.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Ryan, Satterwhite, Sears, West, and Zuck—28.

Quorum present.

Mr. Neumann asked leave of absence for Senator Glascock, on account of sickness.

Granted.

THIRD READING OF BILLS.

Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol Park.

The question recurring upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Neumann, Pardee, Ryan, Sears, and West—21.

NOES—Messrs. Burt, Hittell, Nye, Satterwhite, and Zuck—5.

Bill passed, and title read and approved.

On motion of Mr. Hittell, leave of absence granted Senator Traylor.

On motion of Mr. Pardee, leave of absence granted Senator Wendell.

REPORTS OF COMMITTEES.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, January 24, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and found correctly engrossed the following Senate bills, viz.:

Senate Concurrent Resolution No. 8—Relative to the importation of alcoholic liquors.

Also, Senate Bill No. 144—An Act to amend section one thousand one hundred and eighty-seven of the Political Code, in relation to the paper to be used for ballots.

Also, Senate Bill No. 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

Also, Senate Concurrent Resolution No. 1—Relative to the sale of public lands.

Also:

SENATE CHAMBER, SACRAMENTO, January 22, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report correctly engrossed the following Senate bills, viz.:

Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese.

Also, Senate Concurrent Resolution No. 5—Relative to appropriating money for improvement of Eel River, Humboldt County, for the purpose of navigation.

Also, Senate Bill No. 117—An Act to amend section one thousand and seventy of the Penal Code, and to reduce the number of peremptory challenges in criminal cases.

Also, Senate Bill No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition.

Also, Senate Bill No. 77—An Act to amend section six hundred and eighty-eight of the Code of Civil Procedure, relating to what shall be liable to be seized on execution.

Also, Senate Bill No. 78—An Act to amend section one thousand and forty-four and two thousand nine hundred and forty-seven of the Code of Civil Procedure, relating to transfer of property.

Also, Senate Bill No. 95—An Act to amend section seventy-eight of the Civil Code, relating to the manner by which the validity of marriage may be determined and declared.

Also, Senate Bill No. 97—An Act to amend sections one thousand two hundred and two, and one thousand two hundred and three of the Civil Code, relating to actions for proving instruments and correcting defective certificates of acknowledgments.

Also, Senate Bill No. 98—An Act to amend section one thousand four hundred and five of the Civil Code, relating to succession.

Also, Senate Bill No. 99—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a Trustee may be discharged from his trust.

Also, Senate Bill No. 100—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors.

Also, Senate Bill No. 109—An Act to amend an Act entitled "An Act relating to children," approved March thirtieth, eighteen hundred and seventy-eight.

Also, Senate Bill No. 116—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Also, Senate Bill No. 138—An Act to amend section thirty-two of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Also, Senate Bill No. 150—An Act to amend sections fifteen and sixty-six of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Also, Senate Bill No. 133—An Act to amend section three thousand nine hundred and twenty-eight of the Political Code, relating to the boundaries and county seat of Sacramento County.

Also, Senate Bill No. 38—An Act to authorize the Controller and Treasurer of the State to transfer certain funds.

Also, Senate Bill No. 81—An Act to add to Part II, Division Second, of the Civil Code, a new title, to be known as Title Five, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining laws and forming mining districts.

Also, Senate Concurrent Resolution No. 10—Concerning the transfer of mineralogical specimens to the Mining Bureau.

GEORGE, Chairman.

SECOND READING OF BILLS.

Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violations of the law for the preservation of fish.

Passed on file.

Senate Bill No. 64—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one of the Political Code, and to add a new section to said Code, to be known as section three thousand eight hundred and seventeen, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six of said Code, providing for a duplicate assessment book.

Passed on file.

Senate Bill No. 62—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

Passed on file.

INTRODUCTION OF BILLS.

By Mr. Pardee (by leave): Senate Bill No. 253—An Act to amend section three thousand eight hundred and ninety-five of the Political Code, relating to revenue.

Read first time, and referred to Judiciary Committee.

On motion of Mr. Satterwhite, the regular order of business was now taken up.

REPORT OF COMMITTEE.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, January 24, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 185—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April first, eighteen hundred and seventy-two—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

HITTELL, Acting Chairman.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-second, eighteen hundred and eighty-one, passed Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 24, as above, read first time and referred to Judiciary Committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-second, eighteen hundred and eighty-one, passed Assembly Bill No. 106—An Act to repeal sections two, three, four, five, and six of an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight.

J. M. WRIGHT, Assistant Clerk.

Above Bill, No. 106, read first time, and referred to Judiciary Committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Friday, January twenty-first, eighteen hundred and eighty-one, passed Assembly Bill No. 7—An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, and county, city and county, municipality, or other political subdivision of this State, is a party, which is herewith transmitted.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 7, as above, read first time, and referred to the Judiciary Committee.

REPORT OF COMMITTEE.

By Mr. Ryan (by leave):

SENATE CHAMBER, SACRAMENTO, January 24, 1881.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Concurrent Resolution No. 2—Relative to instructing our Senators and Congressmen to procure appropriations from the General Government, for the purpose of constructing a harbor of refuge at Trinidad, in this State—have had the same under consideration, and respectfully report the same back, and recommend the adoption of the resolution.

RYAN, for the Committee.

INTRODUCTION OF BILLS.

By Mr. Pardee: Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have, by mistake, been withheld therefrom and appropriated to other State purposes.

Read first time, and referred to Finance Committee.

Also, Senate Bill No. 255—An Act for the government of cities of the fourth class.

Read first time, and referred to Committee on City, City and County, and Town Governments.

By Mr. Zuck: Senate Bill No. 256—An Act to amend section one thousand four hundred and sixty-five of the Code of Civil Procedure, relating to setting apart, for the use of the family, all property exempt from execution, including the homestead.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnston: Senate Bill No. 257—An Act to provide a system of drainage for agricultural and swamp and overflowed lands.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Ryan: Senate Concurrent Resolution No. 20—Relating to amendments to the Constitution of the United States.

Read first time, and referred to Committee on Federal Relations.

NOTICE.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, JANUARY 24, 1881.

MR. PRESIDENT: I hereby give notice that I will, on to-morrow, move to amend Rule Thirty-one by adding the following: "After the final passage of a bill, it shall require a majority of the Senators elected to reconsider it; but in all other cases, it shall only require a majority of those present."

SEARS.

By Mr. Sears: Senate Bill No. 258—An Act to amend sections eleven and seventeen of an Act entitled an Act to define, regulate, and govern the State Prison of California, approved April fifteenth, eighteen hundred and eighty.

Read first time, and referred to Committee on State Prison.

By Mr. Kelly: Senate Concurrent Resolution No. 21—Relative to postal savings banks.

Read first time, and referred to Committee on Federal Relations.

Also, Senate Concurrent Resolution No. 22—Relative to the erection of a Post Office for the City of San Francisco.

Read first time, and referred to Committee on Federal Relations.

NOTICE.

By Mr. George:

MR. PRESIDENT: On the fourth day of January, eighteen hundred and eighty-one, the Honorable J. W. Satterwhite introduced a resolution, which was adopted, in the following language:

"WHEREAS, The Governor, in his annual message, declares that the cost of litigation is a heavy burden upon litigants, and that the fees and costs for services are so great as to increase the amount of indebtedness out of all proportion to the original claim, and is a hardship especially felt in attachments, foreclosures, and petitions, and also in probate proceedings; therefore, be it

"Resolved, That the Judiciary Committee be instructed to inquire into this matter of the cost and expense of litigation, and report to the Senate a bill, or bills, to carry out the urgent recommendations of the Governor."

I most respectfully ask that the Judiciary Committee be requested to report the same back without delay.

GEORGE.

SECOND READING OF BILLS.

Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to decisions and findings by Courts.

Senate Bill No. 67—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure, relating to appeals in civil actions.

On motion of Mr. Hittell, passed on file.

Senate Bill No. 4—An Act to repeal an Act entitled "An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hun-

dred thousand inhabitants, pursuant to the provisions of section seven, article eleven, of the Constitution of the State," approved April twenty-fourth, eighteen hundred and eighty.

Read second time, and ordered engrossed.

Senate Bill No. 143—An Act to prevent Trustees, Councils, Boards of Supervisors, and other local legislative bodies, from holding secret meetings.

Read second time.

Mr. Hittell moved to indefinitely postpone the bill.

The hour for special order for three o'clock p. m. having arrived, Mr. Zuck moved that it be postponed until three o'clock p. m. to-morrow.

Lost.

On motion of Mr. Dickinson, the special order was temporarily passed, until the pending bill be disposed of.

Mr. Johnson moved to amend by inserting the words "or county" after the word "town," in line three, section one, printed bill.

Adopted.

Also, amend by inserting the words "or county" after the word "town" in line five, section one, printed bill. Also, the words "or county" after the word "town" in line nine, section one, printed bill.

Adopted.

Mr. Dickinson moved to amend by striking out the words "or any standing or special committees thereof."

Lost.

The question recurring upon the motion of Mr. Hittell to indefinitely postpone the bill, the motion was lost.

Bill ordered engrossed.

SPECIAL ORDER FOR THREE O'CLOCK P. M.

Senate Bill No. 191—An Act to pay the claim of W. C. Guirey.

Read second time.

Mr. Sears moved that the bill be made the special order for to-morrow, at three o'clock p. m.

Mr. Enos moved to recommit the bill to the Committee on Claims.

So ordered.

Mr. Cheney arose to a question of privilege, in relation to the restrictions of the *Record-Union* newspaper upon the action of the Republican Senators in rejecting N. Greene Curtis for Regent of the State University.

Senate Bill No. 156—An Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, and one thousand eight hundred and eighty-seven, relating to the issuance of bonds by the trustees of school districts, to raise money for building purposes, and to provide for the payment of the same.

Passed on file.

Senate Bill No. 153—An Act to amend an Act entitled an Act to appropriate money for the support of orphans, half orphans, and

abandoned children, approved March twenty-fifth, eighteen hundred and eighty.

Passed on file.

Senate Bill No. 145—An Act to ascertain and express the will of the people of the State of California upon the manner of electing President and Vice-President of the United States.

Passed on file.

Senate Bill No. 57—An Act to amend the Political Code of the State of California, by adding a new section thereto.

Mr. Dickinson moved to indefinitely postpone the bill.

So ordered.

Senate Bill No. 168—An Act to amend section three thousand three hundred and eighty-one of the Political Code, relating to retail liquor licenses.

Read second time, and referred to Committee on Public Morals.

Senate Bill No. 171—An Act prohibiting judicial officers from accepting other employment.

Mr. Enos asked leave to withdraw the bill.

So ordered.

Senate Bill No. 187—An Act to establish a Branch State Normal School.

Read second time, and ordered engrossed.

Senate Bill No. 92—An Act to provide for buildings and improvements for the Institution of the Deaf, Dumb, and Blind.

Read second time.

Mr. Nye offered the following amendment: Amend by striking out "eighty-three thousand five hundred dollars," and insert "seventy-eight thousand five hundred dollars." Also, in line seven, section one, strike out all after "three thousand dollars," in that section.

Adopted.

Mr. Chase moved that the bill be recommitted to Committee on Public Buildings.

Mr. Gorman offered the following amendment: Amend by adding at the end of section the following: "And all labor performed upon said buildings shall be done by days' labor."

Adopted.

Bill ordered engrossed.

ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Tuesday, January 25, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-fourth, eighteen hundred and eighty-one, passed Assembly Bill No. 114—An Act to amend section one thousand three hundred and twenty-two of the Penal Code of this State, to determine when husband and wife may testify against each other in criminal cases.

Assembly Bill No. 73—An Act to amend section two of an Act numbered fifteen thousand six hundred and sixteen, approved April third, eighteen hundred and seventy-six, relating to an Act concerning lodging houses and sleeping apartments within the limits of incorporated cities.

Also, Assembly Bill No. 79—An Act to prohibit the naturalization of Chinese or Mongolians in the State of California.

Also, Assembly Bill No. 28—An Act to compel banks, savings and loan societies, and all and every kind of person or persons, or corporations, receiving moneys or other valuable property on deposit, or for safe keeping, to publish a sworn statement in certain cases.

Also, Assembly Bill No. 99—An Act to amend section four hundred and thirteen of the Political Code.

Also, Assembly Bill No. 123—An Act to encourage the destruction of coyotes in the different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Also, Assembly Bill No. 75—An Act to authorize the several counties, cities and counties, cities, and towns of this State, and the officers, and the Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof.

Also, Assembly Bill No. 31—An Act to amend section four hundred and fifteen of the Civil Code, in relation to the purchase and sale of real estate by insurance corporations.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 114—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 73—As above, read first time and referred to Committee on City, City and County, and Town Governments.

Assembly Bill No. 79—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 28—As above, read first time and referred to Corporation Committee.

Assembly Bill No. 99—As above, read first time and referred to Finance Committee.

Assembly Bill No. 123—As above, read first time and referred to Agricultural Committee.

Assembly Bill No. 75—As above, read first time and referred to Committee on City, City and County, and Town Governments.

Assembly Bill No. 31—As above, read first time and referred to Committee on Corporations.

INTRODUCTION OF BILLS.

By Mr. Johnson: Senate Bill No. 259—An Act to pay the claim of J. L. Farr.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 260—An Act to amend section seven hundred and ninety-two of the Political Code of California, relating to the appointment of Notaries Public.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 261—An Act to amend section one hundred and seventy of the Code of Civil Procedure of the State of California, relating to the disqualification of Judges.

Read first time, and referred to Judiciary Committee.

By Mr. Ryan: Senate Bill No. 262—An Act to authorize the Boards of Supervisors of the several counties in the State, to grant franchises and privileges to corporations, associations, or individuals.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. George (by request): Senate Bill No. 263—An Act to regulate the practice of medicine in the State of California.

Read first time, and referred to Committee on Hospitals.

By Mr. Enos: Senate Bill No. 264—An Act to allow women to vote on all questions relating to the control, management, and support of the public schools, and for all school officers.

Read first time, and referred to Committee on Education.

By Mr. Hill: Senate Bill No. 265—An Act relating to fires caused by locomotives.

Read first time, and referred to Judiciary Committee.

By Mr. Nye: Senate Bill No. 266—An Act to amend section six hundred and eighty-nine of the Code of Civil Procedure, relating to property claimed by a third party which has been levied on under execution.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 267—An Act to amend section six hundred and ninety of the Code of Civil Procedure of the State of California, concerning property exempt from execution.

Read first time, and referred to Judiciary Committee.

By Mr. Kane: Senate Bill No. 268—An Act designating the places in which polls shall be located.

Read first time, and referred to Committee on Elections.

By Mr. Hill: Senate Bill No. 269—An Act to regulate the means of egress from public buildings.

Read first time, and referred to Committee on Public Buildings.

RESOLUTION.

By Mr. Enos (by leave):

WHEREAS, By an Act of the Legislature of the State of California entitled "An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California," approved March twenty-first, eighteen hundred and eighty, the State Board of Examiners were directed to enter into a contract with E. B. Wilks and P. K. Stockton, for the full and accurate transcription into longhand writing of the shorthand notes taken by them of the proceedings, transactions, and debates of said Convention: and whereas, in and by section six of said Act, the said Board of Examiners were directed to cause to be printed, under the direction of the Superintendent of Public Printing, such numbers of copies of the reports of said debates as they might deem advisable, and to "copyright said publication to the end that the State may be protected:"

Resolved, That his Excellency the Governor be and he is hereby requested to communicate to the Senate all the proceedings of the said Board of Examiners done by authority of said Act: and further, whether the said Board has caused "full and accurate" reports of said debates to be printed in pursuance of law, and whether said Board has stricken out any part of said debates from said publication.

Adopted.

By Mr. Langford: Senate Concurrent Resolution No. 23—Relative to certain lands in San Joaquin County claimed by Andreas Pico.

Read, and referred to Judiciary Committee.

SECOND READING OF BILLS.

Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to decisions and findings by Courts.

Read second time, and ordered engrossed.

Senate Bill No. 67—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure, relating to appeals in civil actions.

On motion of Mr. Hittell, passed for the day.

Senate Bill No. 156—An Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, and one thousand eight hundred and eighty-seven, relating to the issuance of bonds by the trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

Read second time.

Mr. Sears offered the following amendment to section four: Amend section four, line eleven, by striking out the words "pledging the faith of the county."

Adopted.

Mr. Sears also offered the following amendment to section four: In line nine, strike out the word "county," and insert "such district."

Adopted.

Mr. Zuck asked leave of absence for Senator Glascock, on account of sickness.

Granted.

Mr. Hittell moved to recommit bill to Committee on County and Township Governments.

So ordered.

Senate Bill No. 153—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March twenty-fifth, eighteen hundred and eighty.

Passed on file.

Senate Bill No. 145—An Act to ascertain and express the will of the people of the State of California upon the manner of electing President and Vice-President of the United States.

Read second time, and ordered engrossed.

Senate Bill No. 14—An Act to provide for the protection of sheep and other domestic animals.

Read second time.

Mr. West moved to recommit bill to Committee on Agriculture for correction.

So ordered.

Senate Bill No. 24—To repeal an Act entitled "An Act for the better protection of fruit trees and vines," approved April ninth, eighteen hundred and eighty.

Read second time.

Mr. Johnson moved to indefinitely postpone the bill.

Mr. Nye moved to recommit bill to Committee on Agriculture.

Lost.

The question recurring upon the motion to indefinitely postpone, the motion was carried.

Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and seventy-three, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

Read second time, and amendments of committee adopted.

Mr. Dickinson moved that the Secretary be authorized to correct subdivision four of the bill, so that the word "office" should read "officers."

So ordered.

Mr. Dickinson moved that the Secretary be authorized to make correction in section two thousand one hundred and seventeen, so as to read "provisions," instead of "pensions."

A division of the vote being had on the question of engrossment, the bill was ordered engrossed by the following vote: Ayes, 14; noes, 4.

Senate Bill No. 227—An Act to amend section two thousand one hundred and seven of the Political Code, relating to the duties of the Adjutant-General.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 149—An Act to amend section two hundred and eighty-five of the Penal Code, relating to the punishment of incest.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 157—An Act to punish baggage smashers.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 164—An Act to establish a simple and inexpensive system of procedure in civil cases.

Mr. Enos moved to recommit the bill to the Judiciary Committee.

So ordered.

Senate Bill No. 165—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Mr. Hittell moved to indefinitely postpone the bill.

Carried.

Senate Bill No. 136—An Act to prevent summary dismissal of public officials and employes without just cause and public trial.

Read second time.

Mr. Hittell moved to indefinitely postpone the bill.

Mr. George offered the following as an amendment to the bill: Amend section one by adding to line three the following, "during the unexpired term for which he or she was appointed."

The hour for recess having arrived, Mr. Pardee moved that the consideration of the bill be resumed in the afternoon, immediately after roll call.

So ordered.

RECESS.

The hour having arrived, the President declared a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Traylor, and West.

Quorum present.

INTRODUCTION OF BILLS.

By Mr. Johnson (by leave): Senate Bill No. 270—An Act to provide for the payment of the Controller's warrants outstanding against certain swamp land districts of this State.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Hittell: Senate Bill No. 271—An Act to add a new section to the Civil Code, to be known as section six hundred and fifteen, relating to cemetery corporations.

Read first time, and referred to Judiciary Committee.

Senate Bill No. 136 resumed.

The question recurred upon the adoption of amendment by Mr. George.

Amendment adopted.

The question now recurring on the indefinite postponement of Senate Bill No. 136, the ayes and noes were demanded by Messrs. Enos, Hittell, and Conger, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Harlan, Hittell, Johnston, Nelson, and West—12.

NOES—Messrs. Dickinson, Enos, George, Gorman, Hill, Johnson, Kane, Kelly, and Ryan—9.

Carried.

THIRD READING.

Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violations of the law for the preservation of fish.

Passed on file.

Senate Bill No. 62—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

Passed on file.

Senate Bill No. 64—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three

thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one of the Political Code, and to add a new section to said Code, to be known as section three thousand eight hundred and seventeen, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six of said Code, providing for a duplicate assessment book.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Traylor, and West—23.

NOES—Mr. George—1.

Title read and approved.

Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Cheney, Conger, George, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Sears, Traylor, and West—21.

NOES—Messrs. Carlock, Chase, Dickinson, Enos, and Johnson—5.

Title read and approved.

Senate Concurrent Resolution No. 5—Relative to appropriating money for improvement of Eel River, Humboldt County, for the purpose of navigation.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Sears, Traylor, and West—25.

NOES—None.

Title read and approved.

Senate Bill No. 117—An Act to amend section one thousand and seventy of the Penal Code, and to reduce the number of peremptory challenges in criminal cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Conger, Dickinson, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Langford, Pardee, Pool, Ryan, Sears, Traylor, and West—21.

NOES—Messrs. Cheney, Enos, Kelly, and Nelson—4.

Title read and approved.

Senate Bill No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Sears, Traylor, and West—25.

NOES—None.

Title read and approved.

Senate Bill No. 77—An Act to amend section six hundred and eighty-eight of the Code of Civil Procedure.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Sears, Traylor, and West—25.

NOES—None.

Title read and approved.

Senate Bill No. 78—An Act to amend section one thousand and forty-four and two thousand nine hundred and forty-seven of the Code of Civil Procedure.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Sears, Traylor, and West—25.

NOES—None.

Title read and approved.

Senate Bill No. 95—An Act to amend section seventy-eight of the Civil Code, relating to the manner by which the validity of marriage may be determined and declared.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Langford, Nelson, Pardee, Pool, and Sears—21.

NOES—Messrs. Kane and Ryan—2.

Title read and approved.

Senate Bill No. 97—An Act to amend sections twelve hundred and two and twelve hundred and three of the Civil Code, relating to actions for proving instruments and correcting defective certificates of acknowledgments.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Sears, Traylor, and Zuck—26.

NOES—None.

Title read and approved.

Senate Bill No. 98—An Act to amend section one thousand four hundred and five of the Civil Code, relating to succession.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Nelson, Pardee, Pool, Ryan, Sears, and Zuck—23.

NOES—None.

Title read and approved.

Senate Bill No. 99—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a trustee may be discharged from his trust.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Pardee, Pool, Ryan, Sears, Traylor, and Zuck—23.

NOES—None.

Title read and approved.

Senate Bill No. 100—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Pardee, Pool, Ryan, Sears, Traylor, and Zuck—25.

NOES—None.

Title read and approved.

Senate Bill No. 109—An Act to amend an Act entitled "An Act relating to children," approved March thirtieth, eighteen hundred and seventy-eight.

Read third time, and pending the roll call on its passage, Mr. Zuck, by leave, presented the following report:

SENATE CHAMBER, SACRAMENTO, January 25, 1881.

MR. PRESIDENT: The Committee on County and Town Governments, to whom was recommit-
ted Senate Bill No. 156—An Act to add eight new sections to the Political Code, to be known
as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one,
one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three,
one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one
thousand eight hundred and eighty-six, and one thousand eight hundred and eighty-seven,
relating to the issuance of bonds by the trustees of school districts, to raise money for building
purposes, and to provide for the payment of the same—have had the same under consideration,
report the same back, with a copy thereof containing the Senate amendments in proper order.

ZUCK, for Committee.

The roll was now called on the passage of Senate Bill No. 109, and it failed to pass, by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Kane, Langford, Pardee, Pool, and Ryan—16.

NOES—Messrs. Byrnes, George, Hittell, Johnson, Johnston, Kelly, Sears, Traylor, and Zuck—9.

Mr. Hittell gave notice of a motion to reconsider.

By Mr. Sears (by leave):

SENATE CHAMBER, SACRAMENTO, January 25, 1881.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Concurrent Resolution No. 9—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

SEARS, Chairman.

On motion of Mr. Burt, that the resolution be placed at the head of the Second Reading File for to-morrow, the ayes and noes were demanded by Messrs. Burt, Johnson, and Hill, and the roll was called, with the following result:

AYES—Messrs. Burt, Carlock, Chase, Cheney, George, Harlan, Hill, Kane, Langford, Nelson, Pardee, Pool, Ryan, West, and Zuck—15.

NOES—Messrs. Anderson, Brown, Byrnes, Conger, Dickinson, Enos, Gorman, Hittell, Johnson, Johnston, Kelly, Sears, and Traylor—13.

There not being a two-thirds vote, the motion was declared lost.

Senate Bill No. 116—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Sears, Traylor, West, and Zuck—27.

NOES—Mr. Johnson—1.

Title read and approved.

Senate Bill No. 138—An Act to amend section thirty-two of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Sears, Traylor, West, and Zuck—27.

NOES—None.

Title read and approved.

Senate Bill No. 150—An Act to amend sections fifteen and sixty-six of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Read third time.

Mr. Burt moved to recommit the bill to the author, with instructions to amend by inserting after the words "assignee," in line seven, of printed bill, as follows: "The assignee shall be a resident of the county where the insolvent resides, or where he has carried on his business."

Upon which the ayes and noes were demanded by Messrs. Brown, Burt, and Dickinson.

The roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, George, Harlan, Hill, Johnston, Langford, Pardee, Pool, Sears, West, and Zuck—15.

NOES—Messrs. Byrnes, Cheney, Conger, Dickinson, Enos, Gorman, Hittell, Kane, Kelly, Nelson, Neumann, Nye, Ryan, and Traylor—14.

Carried.

Senate Bill No. 133—An Act to amend section three thousand nine hundred and twenty-eight of the Political Code, relating to the boundaries and county seat of Sacramento County.

Read third time, and the bill failed to pass by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Gorman, Harlan, Hill, Kane, Neumann, Nye, Pardee, Pool, Ryan, and West—18.

NOES—Messrs. Enos, George, Hittell, Johnson, Johnston, Kelly, Langford, Nelson, Sears, and Zuck—10.

Mr. Pardee gave notice of motion to reconsider the vote by which Senate Bill No. 150 was recommitted with instructions.

Mr. Hittell gave notice of motion to reconsider the vote by which Senate Bill No. 133 was lost.

President Mansfield in the chair.

Senate Bill No. 38—An Act to authorize the Controller and Treasurer of the State to transfer certain funds.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Ryan, and West—22.

NOES—Messrs. George, Johnson, Sears, Traylor, and Zuck—5.

Title read and approved.

Senate Bill No. 81—An Act to add to Part II, Division Second, of the Civil Code, a new title, to be known as Title V, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining laws, and forming mining districts.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Ryan, Sears, and West—25.

NOES—Mr. Traylor—1.

Title read and approved.

Senate Concurrent Resolution No. 10—Concerning the transfer of mineralogical specimens to the Mining Bureau.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, George, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Ryan, Sears, Traylor, West, and Zuck—24.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 8—Relating to the prohibition of importation of alcoholic liquors.

On motion of Mr. Chase, the resolution was passed on file until to-morrow.

Senate Bill No. 144—An Act to amend section one thousand one hundred and eighty-seven of the Political Code, in relation to the paper to be used for ballots.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Ryan, West, and Zuck—23.

NOES—Messrs. Cheney, Hittell, Sears, and Traylor—4.

Title read and approved.

Senate Bill No. 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hittell, Johnson, Kane, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, and West—27.

NOES—Messrs. Hill, Johnston, and Zuck—3.

Title read and approved.

Senate Concurrent Resolution No. 1—Relating to sales of public lands.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, West, and Zuck—30.

NOES—None.

Title read and approved.

Mr. Sears now called up his motion to amend Rule Thirty-One as follows: Add the following: "After the final passage of a bill, it shall require a majority of the Senators elected to reconsider it; but in all other cases it shall only require a majority of those present."

Adopted.

Mr. Enos moved that the affidavit of W. C. Guirey be spread upon the minutes of to-day.

Upon which motion the ayes and noes were demanded by Messrs. Zuck, Pardee, and Enos, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Enos, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Langford, Nye, Pardee, Pool, Sears, and Zuck—16.

NOES—Messrs. Brown, Byrnes, Chase, Cheney, Conger, Dickinson, George, Hittell, Johnson, Nelson, Neumann, Ryan, Traylor, and West—14.

Carried.

Mr. Johnson gave notice of motion to reconsider the vote just taken.

By Mr. Neumann (by leave):

SENATE CHAMBER, SACRAMENTO, January 25, 1881.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 36—An Act to amend title eleven, of part four, of the Civil Code, relating to mining corporations, have had the same under consideration, and report the same back with amendments, and recommend its passage.

NEUMANN, Chairman.

Mr. Zuck moved that a committee of five be appointed, to be known as the Yosemite Committee.

Upon which the ayes and noes were demanded by Messrs. Kelly, Gorman, and Hill, and the roll was called, with the following result:

AYES—Messrs. Anderson, Cheney, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Langford, Nelson, Neumann, Pool, Ryan, Sears, West, and Zuck—16.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, George, Johnson, Kane, Nye, Pardee, and Traylor—14.

There not being a two-third vote in favor of the motion, it was declared lost.

Mr. Carlock asked that Senate Bill No. 156, reported by Committee on County and Township Governments, be placed at the head of Second Reading File for to-morrow.

So ordered.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, January 25, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and found correctly engrossed the following Senate bills, viz.:

Senate Bill No. 4—An Act to repeal an Act entitled "An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one

hundred thousand population, pursuant to the provisions of section seven, of article eleven, of the Constitution of this State," approved April twenty-fourth, eighteen hundred and eighty.

Also, Senate Bill No. 143—An Act to prevent Trustees, Councils, Boards of Supervisors, and other local legislative bodies, from holding secret meetings.

Also, Senate Bill No. 187—An Act to establish a branch State Normal School.

Also, Senate Bill No. 92—An Act to provide buildings and improvements for the Institution for the Deaf and Dumb, and the Blind.

GEORGE, Chairman.

By Mr. Carlock (by leave):

SENATE CHAMBER, SACRAMENTO, January 24, 1881.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 213—An Act to amend section six hundred and thirty-one of the Penal Code, relating to violation of laws for the preservation of fish and game—have had the same under consideration, and recommend that it do pass.

CARLOCK, Chairman.

Mr. Ryan gave notice of motion that a special committee on Yosemite be appointed.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 26, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampton, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of yesterday read and corrected, by inserting on page eleven, printed Journal, foot of page, the following: "Mr. Johnston gave notice of a motion to reconsider the vote just taken."

Journal as amended approved.

INTRODUCTION OF BILLS.

By Mr. Rowell: Senate Concurrent Resolution No. 24, relating to the Mussel Slough prisoners.

Read first time.

Mr. Satterwhite moved that the resolution be placed on file.

So ordered.

REPORTS OF COMMITTEES.

By Mr. Burt:

SENATE CHAMBER, SACRAMENTO, January 26, 1881.

MR. PRESIDENT: Your Committee on Public Morals beg leave to report that they have had under consideration Senate Bills Nos. 162 and 163, and report the same back with a substitute for both bills, recommending the passage of the substitute.

BURT, Chairman.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, January 26, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 169—An Act relative to the publication of the statutes and joint and concurrent resolutions of the Legislature—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 206—An Act to amend section eleven hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real estate—and recommend its passage.

THEODORE H. HITTELL, Acting Chairman.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, January 26, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 16—An Act to govern the practice of medicine in the State of California, and to define who are legal physicians and surgeons—have had the same under consideration, and report the same back to the Senate, and the majority of the committee recommend its passage.

GROVE L. JOHNSON, For the Majority.

MINORITY REPORT.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, January 26, 1881.

MR. PRESIDENT: The undersigned respectfully dissent from the report of the majority of the Committee on Judiciary, in recommending the passage of Senate Bill No. 16—"An Act to govern the practice of medicine in the State of California, and to define who are legal physicians and surgeons."

The bill provides for the registration of medical diplomas, "or other evidence of graduation," but nowhere is it provided what shall constitute a diploma, nor what the "other evidence of graduation" shall consist of, nor who is to decide as to the sufficiency of such evidence.

It further mentions "legally constituted colleges of medicine, of good repute," a term the meaning of which is so uncertain as to make the bill valueless so far as the section is concerned where this expression is used.

It provides, in section four, that persons who are not physicians at all may lawfully engage in the practice of medicine in this State.

It abolishes the Boards of Examiners provided for by the Act of eighteen hundred and seventy-eight—a better and wiser provision, in the opinion of the undersigned, than any contained in the bill reported.

The bill, if it should become a law, would afford no protection either to the medical profession or to the people.

County Clerks, who, according to the bill, are to register diplomas, cannot know whether a diploma is from a "legally constituted college of medicine" or not: nor are the people generally apt to inquire where a doctor, who is allowed to practice, got his credentials.

It has been found, by long experience, that no one should be allowed to practice law, unless, upon examination by a competent tribunal, he is found qualified. For a much greater reason no one should be allowed to practice medicine unless he has been subjected to an examination as rigid, at least, as that of a lawyer.

The bill under consideration makes the diploma of any institution that chooses to call itself a medical school sufficient evidence of qualification to practice medicine. Anybody that chooses can start a medical school; any such school would be a regular medical school; and any such school could grant diplomas, under whatever circumstances and to whomsoever it pleased. Not a nostrum vender or corn doctor in the land but would at once burst forth from his chrysalis state into full-fledged doctorhood.

It is easy to see, therefore, that if this bill should become a law, the result would be to make licenses to practice medicine a farce, and to flood the country with charlatans and quacks.

For these and other reasons the undersigned recommend that the bill do not pass.

THEODORE H. HITTELL,
JOHN W. SATTERWHITE.

By Mr. Watson:

MR. PRESIDENT: The Committee on State Prison, to whom was referred Senate Bill No. 8, have had the same under consideration, report the same back, and recommend its passage.

WATSON, Chairman.

By Mr. Byrnes:

SENATE CHAMBER, SACRAMENTO, January 26, 1881.

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 203—An Act to add a new section to the Political Code, to be known as section two thousand seven hundred and fifteen, relating to roads and highways—have had the same under consideration, and report back, and recommend that the same do pass.

JAS. D. BYRNES, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, January 26, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 191—"An Act to pay the claim of W. C. Guirey"—have had the same under consideration, report back, and recommend that the same do not pass.

The committee also report, with said recommendation, the following letter, viz.:

STATE OF CALIFORNIA, CONTROLLER'S DEPARTMENT.)
SACRAMENTO, January 25, 1881. {

Hon. J. C. Zuck, Senate:

SIR: In answer to your inquiry I have to say that the records of this office show that Wm. C. Guirey has received from the State of California Warrants Nos. seventeen thousand eight hundred and thirteen, nineteen thousand five hundred and two, and three thousand eight hundred and ninety-five, drawn upon appropriation for "Bounty for California Volunteers," of dates and in amounts in the order named: of June twelfth, eighteen hundred and sixty-six, for ninety-five dollars and seventeen cents; June thirtieth, sixty dollars; and August twenty-fifth, sixty dollars. The first two are receipted for upon the Warrant Register by A. Goldsmith, attorney, and the last by F. Livingston, attorney, to whose favor full powers of attorney have been filed herein, and are now of record in this office.

D. M. KENFIELD, Controller.
Wm. A. DAVIES, Deputy.

Also, Senate Bill No. 228—An Act to pay the claim of Mary M. Springer, widow and heir of Thomas A. Springer, late State Printer, deceased—and recommend that the same be indefinitely postponed.

W. W. TRAYLOR, Chairman.

By Mr. West:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 33, together with the substitute therefor, reported by the Judiciary Committee, have had the same under consideration, and report the same back, with a substitute for the whole matter, and recommend the passage of their substitute.

J. P. WEST, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, SACRAMENTO, January 24, 1881.

To the Senate of the State of California:

I herewith transmit to your honorable body the first annual report of the Board of State Viticultural Commissioners.

GEO. C. PERKINS, Governor.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 5—Relative to protecting adopted citizens who are natives of Costa Rica.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 5, as above, read first time, and referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 68—Entitled an Act to amend section one thousand two hundred and seventy-one of the Code of Civil Procedure, relating to escheated estates, and to provide for the sale thereof—which is herewith transmitted.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 68, as above, read first time, and referred to Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. West: Senate Concurrent Resolution No. 25—Relating to an appropriation for the improvement of Wilmington Harbor.

Read first time, and referred to Committee on Commerce and Navigation.

NOTICE.

By Mr. Lampson:

MR. PRESIDENT: I move to amend Rule Fifteen of the Standing Rules of the Senate, by adding thereto as follows: "30. Committee on Yosemite Park, to consist of seven members."

By Mr. Dickinson: Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one of article fourteen of the Constitution, and prescribing penalties for the non-performance of such duties.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

By Mr. Hill: Senate Bill No. 273—An Act to prohibit the granting of free passes to public officials.

Read first time, and referred to Committee on Public Morals.

Also, Senate Bill No. 274—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven, to prohibit the making of contracts to buy or sell grain or other commodities on a margin, to be delivered at a future day.

Read first time, and referred to Committee on Corporations.

Also, Senate Bill No. 275—An Act to add a new section to the Penal Code, to be known as section two hundred and seventy-three, relating to cruelty to children and others.

Read first time, and referred to Judiciary Committee.

By Mr. Hittell (by request): Senate Bill No. 276—An Act to amend section one thousand six hundred and thirty-four of the Code of Civil Procedure, relative to notice and proceedings when a petition for final distribution of an estate in probate is filed with a final account.

Read first time, and referred to Judiciary Committee.

By Mr. Langford: Senate Bill No. 277—Proposed amendment to the Constitution of the State of California. The Legislature of the State of California, at its twenty-fourth session, proposes the following amendment to the Constitution of the State of California, to be designated No. —, to amend section nine, of article thirteen, of the Constitution.

Read first time, and referred to Judiciary Committee.

By Mr. Baker: Senate Concurrent Resolution No. 26—In relation to amending section thirteen of the Constitution of the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Rowell: Senate Bill No. 278—An Act to amend section nineteen of the Act entitled "An Act to promote irrigation," approved April first, eighteen hundred and seventy-two, relating to irrigation.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Senate Bill No. 279—An Act to add a new section, to be known as section one thousand four hundred and twenty-three to an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, relating to water and water rights.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Senate Bill No. 280—An Act to make an Act entitled an Act to provide irrigation, approved April first, eighteen hundred and seventy-two, applicable to Fresno County, by amending section twenty-six of said Act.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Senate Bill No. 281—An Act to amend section three thousand three hundred and thirty-four of an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, relating to damages.

Read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 282—An Act to amend section twenty-two of an Act entitled "An Act to promote irrigation," approved April first, eighteen hundred and seventy-two, relating to irrigation.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Senate Bill No. 283—An Act to amend section three hundred and forty of an Act entitled "An Act to establish a Code of Civil Procedure," approved the eleventh day of March, eighteen hundred and seventy-two, relating to the time for the commencement of certain civil actions.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Senate Bill No. 284—An Act to amend section one thousand two hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved the eleventh day of March, eighteen hundred and seventy-two, relating to eminent domain.

Read first time, and referred to Committee on Irrigation and Water Rights, Drainage, and Mining Debris.

By Mr. Nye (by request): Senate Bill No. 285—An Act to amend sections three thousand six hundred and seventeen, three thousand six hundred and twenty-nine, three thousand six hundred and thirty-three, three thousand six hundred and forty-four, three thousand six hundred and forty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-three, three thousand six hundred and fifty-four, three thousand six hundred and fifty-five, three thousand six hundred and fifty-six, three thousand six hundred and seventy-two, three thousand six hundred and seventy-nine, three thousand six hundred and eighty-two, three thousand six hundred and ninety-three, three thousand seven hundred and four, three thousand seven hundred and twenty-seven, three thousand seven hundred and twenty-eight, three thousand seven hundred and twenty-nine, three thousand seven hundred and thirty-four, three thousand eight hundred and forty, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-eight, three thousand eight hundred and sixty, and three thousand eight hundred and eighty-one, of an Act entitled "An Act to establish a Political Code," approved March

twelfth, eighteen hundred and seventy-two, known as the Political Code, in relation to the subject of providing revenue for the support of the government of the State of California.

Read first time, and referred to Finance Committee.

SECOND READING.

Senate Bill No. 156—An Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, and one thousand eight hundred and eighty-seven, relating to the issuance of bonds by the Trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

Read second time, amendments adopted, and bill ordered engrossed.

Senate Bill No. 67—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure, relating to appeals in civil actions.

Author asked leave to withdraw bill.

So granted.

Senate Bill No. 153—An Act to amend an Act entitled an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March twenty-fifth, eighteen hundred and eighty.

Mr. Johnson moved to refer to Judiciary Committee.

So ordered.

Senate Bill No. 86—An Act to amend sections eight hundred and eleven and eight hundred and twelve of the Penal Code, relating to warrants of arrest.

Mr. Johnson moved that the bill be indefinitely postponed.

So ordered.

Senate Bill No. 124—An Act to provide for the deficiency in the appropriation for the payment for stationery, lights, etc., for the legislative and State officers during the thirty-first fiscal year.

Read second time.

Upon the question of engrossment, a division of the vote being demanded, the motion prevailed by the following vote: Ayes, 13; noes, 9.

Senate Bill No. 126—An Act to provide for the deficiency for the appropriation "for payment of postage and contingent expenses of Clerk of the Supreme Court" during the thirty-first fiscal year.

Read second time.

Upon the question of engrossment, a division of the vote being demanded, the vote stood—ayes, 6; noes, 13; no quorum voting.

The ayes and noes were demanded by Messrs. Pardee, Chase, and Conger, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Gorman, Harlan, Hill, Kelly, Lampson, Neumann, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—23.

NOES—Messrs. Eno, George, Hittell, Johnson, Johnston, Kane, Langford, Nelson, Pardee, and Rowell—10.

Bill ordered engrossed.

Senate Bill No. 127—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol, and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years.

Read second time.

Mr. Ryan moved that the bill be recommitted to the Committee on Claims.

So ordered.

Senate Bill No. 128—An Act to provide for the deficiency in the appropriation "for postage and expressage in the office of the Superintendent of Public Instruction," during the thirty-first fiscal year.

Read second time.

A division of the vote being demanded on the question of engrossment, it was refused by the following vote: Ayes, 11; noes, 13.

Mr. Hittell asked leave to change his vote recorded on Senate Bill No. 126 to the affirmative.

So ordered.

Senate Bill No. 129—An Act to provide for the payment of deficiencies in the appropriation "for payment for procuring and listing lands to the State by the United States," for the twenty-fourth and twenty-fifth fiscal years.

Read second time, and, on motion, engrossment refused.

Senate Bill No. 130—An Act to provide for the deficiency in the appropriation for the payment of rewards offered by the Governor during the thirty-first fiscal year.

Read second time, and amendments of committee rejected.

A division of the vote being demanded on the question of engrossment, the motion prevailed by the following vote: Ayes, 18; noes, 7.

Senate Bill No. 131—An Act to pay the claim of L. L. Lewis & Co.

Read second time.

A division of the vote being demanded on the question of engrossment, the motion prevailed by the following vote: Ayes, 13; noes, 12.

Senate Bill No. 183—An Act to amend section two thousand seven hundred and fifty-six of the Civil Code, and to add a new section to the same Code, to be known as section two thousand seven hundred and fifty-seven, concerning fire insurance.

Read second time.

The hour for recess having arrived, Mr. Neumann moved that the pending bill be taken up for further consideration immediately after roll call this afternoon, upon which the ayes and noes were demanded by Messrs. Dickinson, Pardee, and Neumann, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Chenev, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Pardee, Pool, Satterwhite, and West—25.

NOES—Messrs. Baker, Hittell, Langford, Rowell, Ryan, Sears, Traylor, and Watson—8.

Carried.

RECESS.

The President declared a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Mr. Dickinson now called up the motion to reconsider the vote by which the affidavit of W. C. Guirey was ordered spread upon the minutes.

The ayes and noes were demanded by Messrs. Dickinson, Neumann, and Enos, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Conger, Davis, Dickinson, George, Hittell, Johnson, Johnston, Langford, Nelson, Neumann, Rowell, Ryan, Sears, Traylor, and West—18.

NOES—Messrs. Anderson, Carlock, Chase, Enos, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Watson, and Zuck—15.

Carried.

The question recurring upon the motion to spread the affidavit upon the minutes, the ayes and noes were demanded by Messrs. Dickinson, Neumann, and Enos, and the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Gorman, Harlan, Hill, Kane, Kelly, and Zuck—8.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, George, Hittell, Johnson, Johnston, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, and West—24.

Lost.

Mr. Hittell moved to reconsider the vote by which Senate Bill No. 109 was lost.

Upon which motion the ayes and noes were demanded by Messrs. Neumann, Enos, and Dickinson.

The roll was called, with the following result:

AYES—Messrs. Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Harlan, Hittell, Nelson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, and West—19.

NOES—Messrs. Anderson, Burt, Carlock, Enos, George, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Pool, Ryan, and Zuck—17.

Carried.

On motion of Mr. Hittell, the bill was placed at foot of Third Reading File.

Mr. Johnson gave notice that, on to-morrow, he will move to reconsider the vote whereby Senate Bills Nos. 128 and 129 were refused engrossment to-day.

Mr. Hittell moved to reconsider the vote by which Senate Bill No. 133 was lost.

A division of the vote being had, the motion prevailed by the following vote: Ayes, 16; noes, 8.

Mr. Sears moved to refer the bill to the Sacramento delegation.

Carried.

Consideration of Senate Bill No. 183 resumed.

Mr. Neumann moved to refer the bill to the author.
So ordered.

NOTICE.

Mr. Hill gave notice that he would, on to-morrow, call upon the Committee on Irrigation, Water Rights, Drainage, and Mining Debris for a report upon Senate Bill No. 27, entitled "An Act to repeal an Act entitled 'An Act to promote drainage,' approved April twenty-third, eighteen hundred and eighty."

THIRD READING.

Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violations of the law for the preservation of fish.

Passed on file.

Senate Bill No. 62—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

Passed on file.

Senate Bill No. 4—An Act to repeal an Act entitled "An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of the State," approved April twenty-fourth, eighteen hundred and eighty.

Mr. Dickinson moved to indefinitely postpone the bill.

Upon which motion, the ayes and noes were demanded by Messrs. Enos, Ryan, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Cheney, Conger, Dickinson, Hittell, Johnston, Lampson, Neumann, Sears, Traylor, and Watson—14.

NOES—Messrs. Burt, Carlock, Chase, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, and West—23.

Motion lost.

Bill read third time.

The question recurring on the passage of the bill, it was passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, and Watson—24.

NOES—Messrs. Baker, Brown, Byrnes, Cheney, Dickinson, Hittell, Johnston, Neumann, Rowell, Sears, and West—11.

Title read and approved.

Senate Bill No. 143—An Act to prevent Trustees, Councils, Boards of Supervisors, and other local legislative bodies, from holding secret meetings.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, West, and Zuck—29.

NOES—Messrs. Chase, Cheney, Hittell, Moreland, Rowell, Sears, Traylor, and Watson—8.

Title read and approved.

Senate Bill No. 187—An Act to establish a Branch State Normal School.

Read third time, and the bill failed to pass by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Chase, Cheney, Conger, Davis, Enos, Harlan, Johnson, Johnston, Lampson, Neumann, Pool, Rowell, Satterwhite, and Sears—17.

NOES—Messrs. Burt, Byrnes, Carlock, Dickinson, George, Glascock, Gorman, Hill, Hittell, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Ryan, Traylor, Watson, West, and Zuck—21.

Mr. West gave notice of motion to reconsider the vote by which Senate Bill No. 187 was lost.

By Mr. Johnson: Senate Joint Resolution No. 2: *Resolved by the Senate, the Assembly concurring*: That the use of the Senate and Assembly Chambers, and all rooms connected therewith, be and the same are hereby given to the Governor, from four o'clock P. M. Wednesday, February sixteenth, eighteen hundred and eighty-one, to nine o'clock A. M. Thursday, February seventeenth, eighteen hundred and eighty-one.

Adopted.

Mr. Dickinson moved that the Military Committee have leave of absence from Friday to Monday next.

So granted.

Senate Bill No. 92—An Act to provide for buildings and improvements for the Institution of the Deaf, Dumb, and Blind.

Read third time.

Mr. Neumann moved to lay on the table.

Lost.

Mr. Pardee moved that the bill be recommitted to the Committee on Public Buildings, with instructions to report back the necessary information regarding it.

Mr. Hittell moved to adjourn.

Lost.

The discussion of the motion to recommit the pending bill was resumed.

Mr. Nye moved to recommit the bill to the Committee on Public Buildings, with instructions to report plans and specifications, with the amount of money necessary to complete the work.

Adopted.

REPORTS OF COMMITTEES.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, January 26, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and found correctly engrossed the following Senate bills, viz.:

Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to decisions and findings by Courts.

Senate Bill No. 145—An Act to ascertain and express the will of the people of California upon the manner of electing President and Vice-President of the United States.

Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and seventy-three, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

Senate Bill No. 227—An Act to amend section two thousand one hundred and seven of the Political Code, relating to the duties of the Adjutant-General.

Senate Bill No. 149—An Act to amend section two hundred and eighty-five of the Penal Code, relating to the punishment of incest.

Senate Bill No. 157—An Act to add a new section to the Penal Code, to be known as section six hundred and twenty-five, relating to wanton injury or destruction of baggage.

GEORGE, Chairman.

Mr. Johnson moved that when the Senate adjourns, it adjourns until Friday next, at ten o'clock A. M.

The ayes and noes being demanded by Messrs. Sears, Chase, and Enos, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Cheney, George, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Rowell, Ryan, Sears, and Zuck—20.

NOES—Messrs. Baker, Brown, Byrnes, Chase, Conger, Dickinson, Enos, Neumann, Pool, Traylor, and West—11.

Carried.

By Mr. Johnston (by leave):

SENATE CHAMBER, SACRAMENTO, January 25, 1881.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 257—An Act to provide a system of drainage for agricultural, swamp, and overflowed lands—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

THIRD READING OF BILLS RESUMED.

Senate Concurrent Resolution No. 8—Relating to the prohibition of importation of alcoholic liquors.

Read third time, and passed by the following vote:

AYES—Messrs. Burt, Chase, Davis, George, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Langford, Moreland, Nye, Pardee, Rowell, and Zuck—16.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Conger, Dickinson, Hittell, Kane, Lampson, Nelson, Neumann, Pool, Ryan, Sears, Traylor, and Watson—16.

There being a tie vote, the President voted "Aye," and the resolution was declared passed.

INTRODUCTION OF BILLS.

By Mr. Dickinson (by request): Senate Bill No. 286—An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected.

Read first time, and referred to Committee on Commerce and Navigation.

ADJOURNMENT.

Mr. Johnson moved that the Senate do now adjourn.

A division of the vote being demanded, the motion prevailed by the following vote: Ayes, 20; noes, 9.

And at four o'clock and forty-five minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Friday, January 28, 1881. }

The Senate met pursuant to adjournment.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of Wednesday read, amended, and approved.

PETITIONS.

By Mr. Enos: From citizens of the State, asking that women be enabled to vote for all State, county, city, and district school officers, and upon all questions pertaining to educational interests.

Read and referred to Judiciary Committee.

By Mr. Zuck: From citizens of the State, asking that women be enabled to vote for all State, county, city, and district school officers, and upon all questions pertaining to educational interests.

Referred to Judiciary Committee.

By Mr. Davis: From citizens of the State, asking that women be enabled to vote for all State, county, city, and district school officers, and upon all questions pertaining to educational interests.

Referred to Judiciary Committee.

By Mr. Moreland: Asking the Legislature to confer upon the wife the right to succeed to the community property on the death of the husband.

Read and referred to Committee on Elections.

By Mr. Enos: Asking the Legislature to confer upon the wife the right to succeed to the community property on the death of the husband.

Referred to Committee on Elections.

By Mr. Lampson: Asking the Legislature to confer upon the wife the right to succeed to the community property on the death of the husband.

Referred to Committee on Elections.

By Mr. Langford: Asking the Legislature to confer upon the wife the right to succeed to the community property on the death of the husband.

Referred to Committee on Elections.

REPORTS OF COMMITTEES.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, JANUARY 28, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 218—An Act to lessen the expenses of litigation, by restricting the admission of testimony and the time consumed in arguments by counsel, to be known as section six hundred and twenty, Code of Civil Procedure—have had the same under consideration, and report the same back to the Senate and recommend that it be indefinitely postponed.

Also, Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots—and recommend its passage.

Also, Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators—and report the same with an amendment, and recommend its passage as amended.

Your committee also return Senate Bill No. 253—An Act to amend section three thousand eight hundred and ninety-five of the Political Code, relating to revenue—and recommend that said bill be recommitted to the Committee on County and Township Government.

HITTELL, Acting Chairman.

By Mr. Conger:

SENATE CHAMBER, SACRAMENTO, January 26, 1881.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 5—An Act to establish and support a bureau of labor and land statistics—have had the same under consideration, and report the same back with amendments, and recommend its passage.

Also, Senate Bill No. 21—An Act entitled an Act to regulate the hours of labor on work done for the State—and recommend that it do pass.

CONGER, Chairman.

Also, Senate Bill No. 6—An Act to provide for work upon the public works and buildings within this State to be done by day labor, and under the supervision of a superintendent or officer having charge of the same—have had the same under consideration. The undersigned members of the committee respectfully recommend its passage.

JOHN S. ENOS,
C. C. CONGER.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1880.

MR. PRESIDENT: We, the undersigned members of your Committee on Labor and Capital, to whom was referred Senate Bill No. 6—An Act to provide for work upon the public works and buildings within this State, to be done by day labor, and under the supervision of a superintendent or officer having charge of the same—respectfully dissent from the foregoing report, and recommend that the same do not pass.

CARLOCK,
CHASE.

Also, Senate Bill No. 142—An Act to regulate craft proficiency, and for other purposes connected thereto—a majority of said committee report the same back, and recommend that the same be indefinitely postponed.

CARLOCK,
CHASE,
CONGER.

Majority of the Committee.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, January 26, 1881.

MR. PRESIDENT: The undersigned, a minority of your committee on Labor and Capital, to whom was referred Senate Bill No. 142—An Act to regulate craft proficiency, and for other purposes connected thereto—respectfully dissents from the recommendation of the majority, and reports the same back for passage.

J. S. ENOS.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following resolution, viz.:

Resolved. That the Journal Clerk be authorized to appoint an Assistant Journal Clerk, at the per diem of the Journal Clerk, payable out of the appropriation for the contingent expenses of the Senate, the appointment to date the fourteenth instant;

Have had the same under consideration, report back, and recommend that the amount of per diem be changed to six dollars, and that the resolution be adopted as amended.

ZUCK, Chairman.

Adopted.

Mr. Hill moved that the Committee on Irrigation, Water Rights, Drainage, and Mining Debris be instructed to report back Senate Bill No. 27 to-morrow morning.

Mr. Johnson moved that the committee have five days further time to report.

Upon which motion, the ayes and noes were demanded by Messrs. Hill, Johnson, and Zuck.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Conger, Enos, Hill, Hittell, Kane, Langford, Moreland, Rowell, Ryan, Satterwhite, Sears, and Zuck—14.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Gorman, Harlan, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Nye, Pardee, Pool, Traylor, Watson, and West—24.

Lost.

Mr. Glascock moved that the committee report on Monday morning next.

Mr. Davis moved to amend by making it Tuesday.

Upon the motion to report on Monday next the ayes and noes were demanded by Messrs. Zuck, Lampson, and Enos, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—31.

NOES—Messrs. Burt, Cheney, Davis, George, Nye, and Watson—6.

Carried.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 12—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 55—report the same back, and two of the committee recommend its passage and two that it do not pass. Messrs. Johnston and Kelly for its passage, and Messrs. Sears and Traylor recommend that it do not pass.

Also, Senate Bill No. 211—and recommend that the author have leave to withdraw it, as Senate Bill No. 96 is of the same purport, and is now on its final passage.

Also, Senate Bill No. 167—and recommend that the author have leave to withdraw it, as Senate Bill No. 52 is of the same purport.

Also, Senate Bill No. 194—and recommend that the author have leave to withdraw it.

SEARS, Chairman.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: A majority of the Committee on Public Buildings, to whom was referred Senate Bill No. 241—An Act to establish a branch State Normal School—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

W. J. HILL,
J. H. HARLAN,
W. W. TRAYLOR,
MARTIN KELLY.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: A minority of the Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 241—An Act to establish a branch State Normal School, would respectfully report in favor of the passage of the same.

BAKER, Chairman,
WM. JOHNSTON.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: A majority of the Committee on Public Buildings, to whom was referred Senate Bill No. 92—An Act to provide buildings and improvements for the Institution for the Deaf, and Dumb, and the Blind, have had the same under consideration, and respectfully report the same back with an amendment, and recommend that it do pass as amended.

W. J. HILL,
J. H. HARLAN,
W. W. TRAYLOR,
WM. JOHNSTON.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: A minority of the Committee on Public Buildings, to whom was referred Senate Bill No. 92—An Act to provide buildings and improvements for the Institution for the Deaf, and Dumb, and the Blind, would respectfully report in favor of the passage of the same.

BAKER, Chairman,
MARTIN KELLY.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and found correctly engrossed the following Senate bills, viz.:

Senate Bill No. 156—An Act to add nine new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, and one thousand eight hundred and eighty-seven, relating to the issuance of bonds by the trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

Also, Senate Bill No. 124—An Act to provide for the deficiency in the appropriation for the payment for stationery, lights, etc., for the legislative and State officers during the thirty-first fiscal year.

Also, Senate Bill No. 126—An Act to provide for the deficiency for the appropriation "for payment of postage and contingent expenses of Clerk of the Supreme Court" during the thirty-first fiscal year.

Also, Senate Bill No. 130—An Act to provide for the deficiency in the appropriation for the payment of rewards offered by the Governor during the thirty-first fiscal year.

Also, Senate Bill No. 131—An Act to pay the claim of L. L. Lewis & Co.

GEORGE, Chairman.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: The Committee on City, City and County, and Town Government, to whom was referred Assembly Bill No. 75—"An Act to authorize the several counties, cities and counties, cities, and towns of this State, and the officers, and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof"—have had the same under consideration, and report the same back to the Senate, and recommend that it do pass.

HITTELL, Chairman.

Mr. Lampson (by leave), called up his motion to amend Rule Fifteen of Standing Rules of the Senate, by adding thereto as follows: "30. Committee on Yosemite Park, to consist of seven members."

Upon which motion the ayes and noes were demanded by Messrs. Langford, Nye, and Pool, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—33.

NOES—Mr. Kane—1.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-fifth, eighteen hundred and eighty-one, amended, and on January twenty-sixth, eighteen hundred and eighty-one, passed Senate Bill No. 29—An Act making appropriation for the payment of mileage of Senators and Lieutenant-Governor.

Also, on January twenty-sixth, eighteen hundred and eighty-one, passed Assembly Bill No. 161—An Act to compel persons, companies, associations, or corporations whose business it is to supply water or gas for public or domestic use, to furnish meters at their own expense.

I am also directed to present to your honorable body a petition from the Board of Health of San Francisco, with reference to the purchase of a steam launch.

I am also directed to inform your honorable body that the Assembly, on this day, adopted Senate Joint Resolution No. 2—Relative to giving Senate and Assembly Chambers to the Governor on February sixteenth, eighteen hundred and eighty-one.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 29—Assembly amendments read, and concurred in by the following vote:

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AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck—29.
 NOES—Messrs. Brown, Byrnes, Enos, Johnston, and Traylor—5.

Assembly Bill No. 161—As above, read first time, and referred to Committee on Corporations.

MEMORIAL.

In regard to the passage of bill introduced by Hon. W. B. May, of San Francisco, appropriating five thousand dollars for the purchase of a steam launch for the quarantine service of the port of San Francisco.

Read and referred to Committee on Commerce and Navigation.

INTRODUCTION OF BILLS.

By Mr. Johnson: Senate Bill No. 287—An Act to divide the State into drainage and irrigation districts.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Senate Bill No. 288—An Act to amend section one thousand and twenty-one of the Code of Civil Procedure.

Read first time, and referred to Judiciary Committee.

By Mr. Hittell: Senate Bill No. 289—Amendment to Constitution.

Read and referred to Judiciary Committee.

COMMUNICATION FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
 January 27, 1881.

To the Senate of California:

I have the honor to acknowledge the receipt of a resolution of your honorable body, bearing date January twenty-fifth, requesting information relative to the action of the Board of Examiners in the publication of the debates and proceedings of the Constitutional Convention of the State of California, an Act authorizing which was passed at the last session of the Legislature, and approved March thirty-first, eighteen hundred and eighty.

On the thirtieth day of June, eighteen hundred and eighty, the Board of Examiners entered into a contract with E. B. Willis and P. K. Stockton for a consecutive, full, and accurate transcription into longhand writing of the transactions and debates had in the Constitutional Convention, and in Committee of the Whole of said Convention, * * * and all installments of manuscript delivered by said Willis and Stockton to the said State Board of Examiners shall be of continuous and consecutive days' proceedings, etc. The price agreed upon was twenty cents a folio of one hundred words, providing, however, that the amount for said work should not exceed the sum of eighteen thousand dollars, nor should payment of more than seventy-five per cent. of any claim be audited or allowed until the entire work of transcription is completed and given in their hands.

Section five of the Act gives the Board such power and authority as may be necessary to carry out, in good faith, the purposes and objects of the bill. The question arose as to the meaning and purport of the words "purposes and objects of the bill," and the Board came to the conclusion that it had the power to exclude all immaterial, scandalous, and improper matter from the debates, such matter not being in any sense included in the purposes and objects of the bill, nor having any bearing upon the information which it was intended this publication should convey.

The matter left out by the Board was of the following character: All names signed to petitions and memorials; all petitions embracing the same subject, after giving the purport of one of them; and a personal and acrimonious attack upon the character of a citizen, not a member of the Convention, and upon a subject in every way disconnected with the purposes of the Act and the objects of the Convention. The Board, after mature deliberation, struck from the printed proceedings this personality, the report of which is on file in this office, and available at any time for your inspection.

There are at present some six hundred pages of the debates already in print, which is probably about one third of the entire work. Seventy-five thousand folios have been presented to the Board by Messrs. Willis and Stockton, for which the sum of three thousand seven hundred and fifty dollars has been paid.

GEORGE C. PERKINS, Governor.

Mr. Enos moved that the report be accepted and laid upon the table.

So ordered.

INTRODUCTION OF BILLS.

By Mr. Enos: Senate Concurrent Resolution No. 27—Relating to the establishment of a postal telegraph system.

Read first time, and referred to Committee on Federal Relations.

By Mr. Watson: Senate Bill No. 290—An Act requiring societies or corporations paying benefits, in case of decease of members, to report to the Insurance Commissioner.

Read first time, and referred to Committee on Corporations.

By Mr. Baker: Senate Bill No. 291—An Act to promote and protect the horticultural and viticultural interests of the State.

Read first time, and referred to Committee on Agriculture.

By Mr. Traylor: Senate Joint Resolution No. 3—In relation to granting charter to the Nicaragua Maritime Canal Company.

Read first time, and referred to Committee on Federal Relations.

By Mr. Rowell: Senate Bill No. 292—An Act to regulate the practice of pharmacy and the sale of medicines and poisons; to provide for the inspection of drugs and medicines, and to punish the adulteration of the same.

Read first time, and referred to Committee on Hospitals.

REPORT.

By Mr. Hittell (by leave):

SENATE CHAMBER, SACRAMENTO, JANUARY 28, 1881.

MR. PRESIDENT: The Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 139—An Act to confer power upon Supervisors, or other governing body of counties, and cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed—have had the same under consideration, and report the same back to the Senate, and recommend that it do pass.

HITTELL, Chairman.

INTRODUCTION OF BILLS RESUMED.

By Mr. Enos: Senate Bill No. 293—Recommending certain amendments to the Constitution of the State.

Read first time, and referred to Judiciary Committee.

By Mr. Neumann: Senate Bill No. 294—An Act relating to the appointment of receivers of corporations.

Read first time, and referred to Judiciary Committee.

SECOND READING.

Senate Bill No. 30—An Act to amend section four hundred and twenty-seven of the Civil Code, concerning investments of the capital stock and funds of insurance companies.

Passed on file.

Senate Bill No. 193—An Act to protect railroad companies in the enjoyment of their franchises.

Read second time.

Mr. Sears offered the following substitute for section one:

Every person who shall connive at, or counsel, or aid any person to enter in, or upon, or under any engine, passenger, baggage, express, freight, or other car of any railroad corporation, with intent to defraud such corporation of its lawful fare for his or her transportation, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Adopted, and bill ordered engrossed.

Senate Bill No. 91—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read second time, and amendments of committee adopted.

REPORT OF COMMITTEE.

By Mr. Johnson (by leave):

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: Your Committee on State Library, having had under consideration Senate Bill No. 120—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library—report the same back, and the undersigned, comprising a majority of said committee, recommend its passage.

GROVE L. JOHNSON,
THEODORE H. HITTELL.

RECESS.

Pending discussion of Senate Bill No. 91, the hour having arrived, the Senate took a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

REPORT OF COMMITTEE.

By Mr. Davis (by leave):

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 11—An Act to appropriate moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State, in preparing bills adapting the Codes to the Constitution, have had the same under consideration, and report the same back to the Senate, and I recommend its passage.

Also, Senate Bill No. 12—An Act to create a fund in the several counties of this State, for the payment of the salary of the Superior Judges—with a substitute therefor, prepared by the committee, and recommend the passage of the substitute.

DAVIS, for the Committee.

Mr. West now moved that the consideration of the vote by which Senate Bill No. 187 was lost, be postponed until Wednesday next, at two o'clock and thirty minutes P. M.

So ordered.

By Mr. Traylor (by leave):

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was recommitted Senate Bill No. 127—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol building, and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years—have had the same under consideration, report back, and state that the deficiency for which said bill was introduced consists of the following items, viz.:

Fiscal Year.	Amount.
Thirty-second D. M. Burns, materials	\$16 70
Thirty-second R. A. Fisk, locksmithing	59 04
Thirty-second J. Pennish, whitewashing	88 25
Thirty-second P. A. Byrne, cleaning carpets	11 80
Thirty-second J. C. Davis, furniture	479 00
Thirty-first R. A. Fisk, materials and labor	143 98
Thirty-first Baker & Hamilton, hardware	118 24
Thirty-first N. Wilcox, carpenter work	131 10
Thirty-first W. Gutenberg, repairing pump	10 00
Thirty-second Locke & Lavenson, carpets	807 49
Thirty-second Telegraph Mill, shelving	37 14
Thirty-second Whittier, Fuller & Co., paints and oils	466 75
Thirty-second M. J. Carroll, hauling lumber	5 00
Thirty-second J. Oschner, wood tank	23 50
Total	\$2,397 99

The committee also report that they have examined the bills and demands for the above amounts, and find them to be correct, and duly and properly approved by the Board of Examiners. The committee therefore recommend that the bill pass.

TRAYLOR, Chairman.

Pursuant to notice, Mr. Johnson now moved that the vote by which Senate Bill No. 128 was refused engrossment, be reconsidered.

Carried, and bill ordered engrossed.

Pursuant to notice, Mr. Johnson now moved that the vote by which Senate Bill No. 129 was refused engrossment, be reconsidered.

Carried, and bill ordered engrossed.

THIRD READING OF BILLS.

Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violations of the law for the preservation of fish.

Passed on file until Monday.

Senate Bill No. 62—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

Passed on file until Monday.

Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, in relation to decisions and findings by Courts.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Glaseock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and West—32.

NOES—Messrs. Dickinson, Neumann, and Zuck—3.

Title read and approved.

Senate Bill No. 145—An Act to ascertain and express the will of the people of the State of California upon the manner of electing President and Vice-President of the United States.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Brown, Byrnes, Chase, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Ryan, Satterwhite, and Zuck—21.

NOES—Messrs. Burt, Cheney, Davis, George, Glascock, Hittell, Johnson, Lampson, Neumann, Nye, Rowell, Sears, Traylor, Watson, and West—15.

Title read and approved.

Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and seventy-three, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

Mr. Dickinson moved to recommit the bill to the author, with instructions to insert certain amendments.

So ordered.

Mr. Brown gave notice of motion to reconsider the vote by which Senate Bill No. 145 was passed.

Mr. Dickinson reported back Senate Bill No. 219, amended as per instructions.

Senate Bill No. 227—An Act to amend section two thousand one hundred and seven of the Political Code, relating to the duties of the Attorney-General.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—35.

NOES—None.

Title read and approved.

Senate Bill No. 149—An Act to amend section two hundred and eighty-five of the Penal Code, relating to the punishment of incest.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Harlan, Hill, Hittell, Johnson, Johnston, Lampson, Moreland, Neumann, Pardee, Pool, Ryan, Satterwhite, and West—21.

NOES—Messrs. Chase, George, Glascock, Kelly, Langford, Nelson, Nye, Rowell, Sears, and Watson—10.

Title read and approved.

Senate Bill No. 157—An Act to punish baggage smashers.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, West, and Zuck—31.

NOES—Mr. Nye—1.

Title read and approved.

Senate Bill No. 109—An Act to amend an Act entitled "An Act relating to children," approved March thirtieth, eighteen hundred and seventy-eight.

Passed on file.

Mr. Lampson asked leave to withdraw Senate Bill No. 159.

So ordered.

Mr. Neumann moved that Senate Bill No. 91 be placed at the head of the Second Reading File for Tuesday next, at ten o'clock A. M.

Upon which the ayes and noes were demanded by Messrs. Sears, Zuck, and Kelly, and the roll was called, with the following result:

AYES—Messrs. Burt, Enos, Glascock, Gorman, Kane, Lampson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, and West—14.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Conger, Dickinson, George, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Nelson, Rowell, Sears, Watson, and Zuck—21.

Lost.

THIRD READING OF BILLS CONTINUED.

Senate Bill No. 156—An Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, relating to the issuance of bonds by the trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, and West—25.

NOES—Messrs. Burt, Kane, Langford, Nye, Rowell, and Ryan—7.

Title read and approved.

Senate Bill No. 124—An Act to provide for the deficiency in the appropriation for the payment for stationery, lights, etc., for the legislative and State officers during the thirty-first fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Johnson, Kelly, Lampson, Langford, Pardee, Ryan, Satterwhite, Sears, Traylor, Watson, and West—26.

NOES—Messrs. Johnson, Kane, Moreland, Nye, and Rowell—5.

Title read and approved.

Senate Bill No. 126—An Act to provide for the deficiency for the appropriation "for payment of postage and contingent expenses of Clerk of the Supreme Court" during the thirty-first fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Kelly, Lampson, Nye, Ryan, Satterwhite, Sears, Traylor, Watson, and West—22.

NOES—Messrs. Brown, Enos, George, Johnson, Johnston, Kane, Moreland, Pardee, and Rowell—9.

Title read and approved.

Senate Bill No. 130—An Act to provide for the deficiency in the appropriation for the payment of rewards offered by the Governor during the thirty-first fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnston, Kelly, Lampson, Langford, Nye, Pardee, Ryan, Satterwhite, Sears, Traylor, Watson, and West—29.

NOES—Messrs. Johnson, Kane, Moreland, and Rowell—4.

Title read and approved.

Senate Bill No. 131—An Act to pay the claim of L. L. Lewis & Co.
Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Johnson, Johnston, Kelly, Langford, Nye, Ryan, Satterwhite, Traylor, and West—21.

NOES—Messrs. Baker, Brown, Byrnes, George, Hill, Kane, Lampson, Moreland, Pardee, Rowell, Sears, and Watson—12.

Title read and approved.

Mr. Ryan moved to adjourn, upon which the ayes and noes were demanded by Messrs. Moreland, Johnson, and Dickinson, and the roll was called, with the following result:

AYES—Messrs. Cheney, Conger, Enos, Gorman, Lampson, Ryan, Satterwhite, and West—8.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Davis, Dickinson, George, Glascock, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nye, Pardee, Rowell, Sears, Traylor, Watson, and Zuck—25.

Lost.

Mr. Ryan moved that Senate Bill No. 91 be made the special order for Monday morning next, immediately after roll call.

Mr. Pardee moved that Senate Bill No. 91 be made the special order for Tuesday morning next, immediately after roll call.

Upon which the ayes and noes were demanded by Messrs. Zuck, Ryan, and Nye, and the roll was called, with the following result:

AYES—Messrs. Enos, Gorman, Kane, Langford, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, and West—11.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Rowell, Sears, Watson, and Zuck—23.

Lost.

SECOND READING OF BILLS.

Senate Bill No. 91 resumed.

Mr. Enos offered the following amendment: Amend section two by striking out the word "five" wherever it occurs, and insert the word "two."

Mr. Ryan offered the following amendment: Amend section two by inserting the words "this or," after the word "of," in line two, printed bill.

Lost.

Mr. Enos offered the following amendment: Amend section four, line five, printed bill, by changing the word "five" to "two."

Lost.

Mr. Ryan offered the following amendment: Amend the bill by striking out section four.

Lost.

Mr. Glascock asked leave of the Senate to substitute the name of Senator Neumann in his stead on the Military Committee, on their leave of absence.

So ordered.

Mr. Dickinson asked leave of the Senate to substitute the name of Senator Enos in the stead of Senator Hudson, who is sick, on said Military Committee.

So ordered.

Senate Bill No. 91 resumed.

Mr. Ryan offered the following amendment: Amend section five by striking out the word "foreign" in line one.

Lost.

Mr. Pardee moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Zuck, Baker, and Dickinson, and the roll was called, with the following result:

AYES—MESSRS. Davis, Enos, George, Gorman, Harlan, Kane, Kelly, Lampson, Pardee, and Ryan—10.

NOES—MESSRS. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Glascock, Hill, Johnson, Moreland, Nye, Rowell, Sears, Traylor, Watson, West, and Zuck—21.

Motion lost.

SENATE BILL NO. 91—RESUMED.

Mr. Enos offered the following amendment: Amend section fourteen, in line three, of printed bill, by striking out the words "but organized therein."

Lost.

Mr. Enos moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Enos, George, and Glascock, and the roll was called, with the following result:

AYES—MESSRS. Burt, Enos, George, Glascock, Gorman, Harlan, Kane, Lampson, Moreland, Pardee, Pool, Ryan, Traylor, and West—14.

NOES—MESSRS. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Conger, Dickinson, Hill, Johnson, Johnston, Kelly, Nye, Rowell, Sears, Watson, and Zuck—17.

Motion lost.

Mr. Enos asked leave for the day.

So ordered.

Senate Bill No. 91 resumed.

Mr. Johnson offered the following amendment: I move to amend section twenty-one by striking out the words "one hundred and twenty," and inserting in lieu thereof the word "ten."

Carried.

A division of the vote being demanded, the motion prevailed by the following vote: Ayes, 18; noes, 10.

Mr. Nye moved to recommit the bill to the Committee on Corporations.

Lost.

Bill ordered engrossed.

REPORT OF COMMITTEE.

By Mr. Johnston (by leave):

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: Your Committee on Public, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 270—An Act to provide for the payment of the Controller's warrants

outstanding against certain swamp land districts of this State—have had the same under consideration, and beg leave to report the same back, and recommend the passage of the same.

JOHNSTON, Chairman.

REPORT OF COMMITTEE.

By Mr. Dickinson (by leave):

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: Your Committee on Commerce and Navigation have had under consideration Senate Concurrent Resolution No. 23—and report the same back and recommend its passage.

DICKINSON, Chairman.

APPOINTMENTS.

The President announced the following Senate Committee on Yosemite Valley and Mariposa Big Tree Grove and Forestry. The President appointed the following members on said committee: Messrs. Lampson, Pool, Neumann, Langford, Johnston, Glascock, and Rowell.

ADJOURNMENT.

At five o'clock and thirty minutes p. m., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

SATURDAY, January 29, 1881. }

The Senate met pursuant to adjournment.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck.

Quorum present.

Journal of yesterday read and approved.

PETITIONS.

Mr. Johnston presented a petition from a number of citizens, asking the passage of an Act to confer upon the wife the right to succeed to the community property on the death of the husband.

Referred to Committee on Elections.

REPORTS OF COMMITTEES.

By Mr. Hill:

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: Your Committee on Public Printing, to whom was referred Senate Bill No. 245—have had the same under consideration, and report the same back with amendments, and recommend its passage.

HILL, Chairman.

By Mr. Watson:

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: The Committee on State Prisons, to whom was referred Senate Bill No. 258—have had the same under consideration, and respectfully report the same back, and recommend its passage.

WATSON, Chairman.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 15—Relative to instructing our representatives in Congress to run a branch department of the Dead Letter Office in San Francisco.

Also, Senate Concurrent Resolution No. 22—Relative to the erection of a Post Office for the City of San Francisco.

Also, Senate Concurrent Resolution No. 19—Relative to the war between Chili and Peru.

Also, Assembly Concurrent Resolution No. 5—Relative to protecting adopted citizens who are natives of Costa Rica.

Would respectfully report that they have had the same under consideration, and now report the same back, with the recommendation that they do pass.

BAKER, Chairman.

By Mr. Davis:

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: A majority of your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 6—Relative to Congressional aid for what is known as the Mussel Slough lands in this State—would respectfully report that they have had the same under consideration, and now report the same back, without recommendation.

DAVIS, for the Majority.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: A minority of your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 6—relative to Congressional aid for settlers in what is known as the Mussel Slough lands in this State—would respectfully report that the same has been under consideration, and the minority would respectfully recommend that the resolutions be amended by striking out the preamble, and that as amended the resolutions be adopted.

BAKER, Chairman.

By Mr. Lampson:

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: The Committee on State Hospitals and Asylums, to whom was referred the petition of the Old People's Home of San Francisco—report the same back, and recommend no action be taken thereon, as their request cannot be granted under the Constitution.

Also, Senate Bill No. 32—Report the same back and recommend that it do not pass.

LAMPSON, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-sixth, eighteen hundred and eighty-one, adopted Assembly Concurrent Resolution No. 4—Relative to pensioning the soldiers of the Mexican war.

Also, Assembly Concurrent Resolution No. 8—Relative to the restriction of Chinese immigration into the United States.

Also, upon January twenty-eighth, eighteen hundred and eighty-one, passed the following:

Assembly Bill No. 189—An Act to amend the third subdivision of section four hundred and eighty-seven of the Penal Code, relating to the definition of grand larceny.

Also, Assembly Bill No. 164—An Act to amend title four, chapter two, of the Code of Civil Procedure, in relation to the enforcement of liens.

Also, Assembly Bill No. 186—An Act amending an Act entitled "An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts," approved April sixteenth, eighteen hundred and eighty.

Also, Assembly Bill No. 137—An Act to add section eight hundred and eighty-eight to the Code of Civil Procedure.

Also, Assembly Bill No. 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and appropriate money to pay the same.

Also, Assembly Bill No. 167—An Act to amend sections four hundred and twelve, four hundred and sixteen, and eight hundred and forty-nine of the Code of Civil Procedure, and to add

three new sections to said Code, to be numbered respectively four hundred and seventeen, four hundred and eighteen, and four hundred and nineteen, all relating to process in civil actions for obtaining jurisdiction over non-resident defendants.

Also, Assembly Bill No. 200—An Act to amend section one thousand and forty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury.

Also, Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment.

Also, Assembly Bill No. 168—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for Courts of record in this State.

Also, Assembly Bill No. 208—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to trusts.

Also, Assembly Bill No. 136—An Act to amend section two hundred and eleven of the Civil Code.

Also, Assembly Bill No. 149—An Act to add a new section to chapter one, title nine, of the Penal Code, relating to fraudulent marriages, to be known as section two hundred and sixty-eight.

Also, Assembly Bill No. 173—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to proceedings in Court on the adoption of a child.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 4—As above, read first time and referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 8—As above, read first time and referred to Committee on Federal Relations.

Assembly Bill No. 189—As above, read first time and referred to Committee on Judiciary.

Assembly Bill No. 164—As above, read first time and referred to Committee on Judiciary.

Assembly Bill No. 186—As above, read first time and referred to Committee on Swamp and Overflowed Lands.

Assembly Bill No. 137—As above, read first time and referred to Committee on Judiciary.

Assembly Bill No. 130—As above, read first time and referred to Committee on Claims.

Assembly Bill No. 167—As above, read first time and referred to Committee on Judiciary.

Assembly Bill No. 200—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 199—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 108—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 208—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 136—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 149—As above, read first time and referred to Committee on Public Morals.

Assembly Bill No. 173—As above, read first time and referred to Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. Chase: Senate Bill No. 295—An Act to provide for Health Departments and Boards of Health for cities, and for consolidated cities and counties, and for counties.

Read first time, and referred to Judiciary Committee.

Mr. Johnson moved that Senate Bill No. 228 be recommitted to the Committee on Claims.

So ordered.

By Mr. Davis (by request): Senate Bill No. 296—An Act relative to the distribution of the annual allowance made to companies of the National Guard, when such companies are attached to regiments or battalions.

Read first time, and referred to Committee on Military Affairs.

By Mr. Zuck: Senate Bill No. 297—An Act for the relief of John W. Metcalf and George McLellan.

Read first time, and referred to Committee on Claims.

By Mr. Ryan (by request): Senate Bill No. 298—An Act to impose a tax on dogs.

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. Baker: Senate Bill No. 299—An Act to amend section number three hundred and twenty-four of the Civil Code, relating to corporations.

Read first time, and referred to Judiciary Committee.

By Mr. Sears: Senate Concurrent Resolution No. 28—Relating to the tariff laws of the United States.

Read first time, and referred to Committee on Agriculture.

By Mr. Hill: Senate Bill No. 300—An Act to prevent land monopoly.

Read first time, and referred to Committee on Agriculture.

Also, Senate Bill No. 301—An Act to secure to all persons freedom in the selection of an occupation, profession, or employment.

Read first time, and referred to Judiciary Committee.

Mr. Carlock asked leave of absence for Senator Brown for the day.

So ordered.

Mr. Rowell moved to take up Senate Concurrent Resolution No. 24, on Second Reading File.

It requiring a two-third vote, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, and Wendell—26.

NOES—Messrs. Johnson and Watson—2.

Carried.

Senate Concurrent Resolution No. 24—Relating to Mussel Slough prisoners.

Read second time, and ordered engrossed.

Mr. Rowell moved that the Senate further suspend the rules, and the bill be passed.

Upon which motion the ayes and noes were demanded by Messrs. Glascock, Harlan, and Hill, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—20.

NOES—Messrs. Byrnes, Carlock, Cheney, Davis, George, Johnson, Johnston, Pardee, Traylor, and Watson—10.

So ordered.

Senate Concurrent Resolution No. 24—Relating to the Mussel Slough prisoners.

Rules suspended, bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Davis, Glascock, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—24.

NOES—Messrs. George, Harlan, Traylor, and Watson—4.

Title read and approved.

Mr. Johnson gave notice of motion to reconsider the vote by which Senate Concurrent Resolution No. 24 was passed.

Mr. Ryan moved to take up Senate Concurrent Resolution No. 2.

So ordered.

Senate Concurrent Resolution No. 2—In regard to a harbor of refuge at Trinidad, in this State.

Read second time, and ordered engrossed.

Mr. Rowell asked leave of absence until Monday, at two o'clock P. M.

So ordered.

Mr. West moved to take up Senate Concurrent Resolution No. 25.

So ordered.

Senate Concurrent Resolution No. 25—Relating to an appropriation for the improvement of Wilmington Harbor.

Read second time, and ordered engrossed.

SECOND READING.

Senate Bill No. 30—Passed on file.

Senate Bill No. 115—Passed on file.

Senate Bill No. 104—Passed on file.

Senate Bill No. 185—Passed on file.

Assembly Concurrent Resolution No. 9—Relative to report of Railroad Commissioners.

Read second time, and ordered to third reading.

Senate Bill No. 36—Passed on file.

Senate Bill No. 213—An Act to amend section six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game.

Read second time, and ordered engrossed.

Senate Bill No. 162—An Act to regulate licenses for the sale of liquors, and Senate Bill No. 168—An Act to amend section three thousand three hundred and eighty-one of the Political Code, relating to retail liquor licenses, were considered conjointly.

Substitute of committee for the two bills read and adopted.

Mr. Burt moved that the substitute be placed at head of Second Reading File.

So ordered.

Senate Bill No. 169—Passed on file.

Senate Bill No. 206—Passed on file.

Senate Bill No. 16—Passed on file.

Mr. Satterwhite moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Baker, Johnson, and Zuck.

The roll was called, with the following result:

AYES—Messrs. Chase, Cheney, Glascock, Johnson, Kane, Lampson, Moreland, Nye, Pool, Ryan, Satterwhite, Wendell, and West—13.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Davis, George, Gorman, Harlan, Hill, Johnston, Kelly, Pardee, Sears, Traylor, Watson, and Zuck—16.

Lost.

Mr. Johnson moved that when we adjourn, we adjourn until Tuesday next at two o'clock P. M.

Mr. Pardee moved that when we adjourn, we adjourn until Monday at two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Baker, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Anderson, Cheney, Gorman, Johnson, Kane, Pardee, Pool, Ryan, Satterwhite, Sears, and West—11.

NOES—Messrs. Baker, Burt, Carlock, Chase, Davis, George, Glascock, Harlan, Hill, Johnston, Kelly, Lampson, Moreland, Nye, Traylor, Watson, Wendell, and Zuck—18.

Lost.

The question recurring on the motion of Mr. Johnson, to adjourn until Tuesday next, at two o'clock P. M., Mr. Pardee moved that the motion be laid upon the table.

Upon which the ayes and noes were demanded by Messrs. Johnson, Traylor, and Pardee, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, Glascock, Harlan, Hill, Johnston, Kane, Lampson, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—25.

NOES—Messrs. George, Gorman, Johnson, and Kelly—4.

So ordered.

SECOND READING RESUMED.

Senate Bill No. 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin, and for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Read second time.

Mr. Traylor moved to recommit the bill to the author of it, with instructions to incorporate the subject matter in two separate bills.

So ordered.

Senate Bill No. 203—An Act to add a new section to the Political Code, to be known as section two thousand seven hundred and fifteen, relating to roads and highways.

Read second time, and bill refused engrossment.

RESOLUTION.

By Mr. Johnson (by leave):

Resolved, That commencing on Thursday, February third, eighteen hundred and eighty-one, the Senate do hold evening sessions, the same to commence at seven o'clock and thirty minutes P. M., and at said evening sessions the business on the General File be considered—bills on the third reading to be first in order: provided, that other business may be taken up by a majority vote.

(2.) That all committees be and they are hereby directed to report back all bills in their possession on Thursday, February third, eighteen hundred and eighty-one.

(3.) That commencing on Thursday, February third, eighteen hundred and eighty-one, all bills introduced be at once sent after being read to the file: provided, the Senate may, by a majority vote, refer any bill to the Judiciary Committee to inquire into the constitutionality thereof.

GROVE L. JOHNSON,
W. A. CHENEY.

Mr. Burt arose to a point of order, that the change of rules contemplated by this resolution, requires that it shall be laid over one day.

RECESS.

Pending consideration of the resolution, at twelve o'clock and thirty minutes P. M., the Senate took a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, Glascock, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck.

Quorum present.

REPORTS OF COMMITTEES.

By Mr. Davis (by leave):

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 19, beg leave to report that they have had the same under consideration, and recommend its passage.

Also, Senate Bill No. 65—and request that the author be permitted to withdraw the same.

Also, Senate Bill No. 113—and recommend its passage.

Also, Senate Bill No. 152—and recommend that it do not pass.

DAVIS, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 174—An Act to appropriate money to pay W. T. Hume for services as stenographer to the State Board of Equalization—have had the same under consideration, and the undersigned majority report back and recommend that the same be indefinitely postponed.

W. W. TRAYLOR,
A. B. CARLOCK,
J. C. ZUCK.

And the undersigned minority recommend that the same pass.

D. M. POOL,
J. P. WEST.

INTRODUCTION OF BILLS.

By Mr. Johnson (by leave): Senate Bill No. 302—An Act to provide for the publication and purchase of the unpublished topographical and geological survey of the State.

Read first time, and referred to Finance Committee.

By Mr. Traylor (by leave): Senate Bill No. 303—An Act to appropriate the sum of sixty-eight dollars and forty-five cents to pay the deficiency in the appropriation for furniture and repairs of the State Capitol for the thirtieth fiscal year, in relation to the claim of Laufkotter Brothers.

Read first time, and referred to Committee on Claims.

Mr. Baker moved that Senate Bill No. 104 be taken up out of order.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 104—An Act to protect and promote the horticultural interests of the State.

Senator Johnson in the chair.

Mr. Baker offered a substitute for the bill, which was read.

Upon the adoption of the substitute the ayes and noes were demanded by Messrs. Pardee, Baker, and Lampson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Carlock, Cheney, Davis, Glasecock, Harlan, Hill, Johnson, Johnston, Kelly, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck—19.

NOES—Messrs. Burt, Chase, Gorman, Lampson, Moreland, Nye, and Pardee—7.

Adopted.

Mr. Johnston moved that the bill be made the special order for Tuesday next, at two o'clock P. M.

Carried.

President pro tem. in the chair.

THIRD READING.

Senate Bill No. 92—An Act to provide buildings and improvements for the Institution for the Deaf and Dumb, and the Blind.

Mr. Pardee moved that the bill be made the special order for Tuesday next, at three o'clock P. M.

So ordered.

Senate Bill No. 191—Passed on file.

Mr. Gorman moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Davis, Zuck, and Pardee, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Cheney, Gorman, Hill, Johnson, Kelly, Pool, Ryan, Satterwhite, Sears, Watson, and Wendell—14.

NOES—Messrs. Burt, Carlock, Davis, Harlan, Johnston, Kane, Moreland, Nye, Pardee, Traylor, and Zuck.

Carried.

ADJOURNMENT.

At three o'clock and five minutes P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Monday, January 31, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, Glascock, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Moreland, Nye, Pool, Ryan, Satterwhite, Traylor, Watson Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday read and corrected by making the name "Johnson" under head of Petitions, read "Johnston." Also, on page eight of printed Journal, change "Johnson" to "Johnston" in the motion to make Senate Bill No. 104 the special order for Tuesday next, at two o'clock P. M.

Journal as amended approved.

MEMORIAL.

President Mansfield presented a memorial from the leading business men of the State, relating to restricting insurance companies. Read, and referred to Committee on Corporations.

REPORTS OF COMMITTEES.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, January 31, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 106—An Act to authorize D. M. Kentfield to sue the State of California—have had the same under consideration, and report the same back to the Senate, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases from Justice's or Police Courts to the Superior Courts—recommitted with special instructions, and report back the same amended, as directed by the Senate.

Also, Senate Bill No. 123—An Act to appropriate moneys to pay the deficiencies in the expenses of the late Constitutional Convention—and report the same without recommendation, the committee being evenly divided in opinion as to its merits.

Also, Senate Bill No. 163—An Act to amend section three hundred of the Penal Code, in relation to keeping open places of business on Sunday—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 179—An Act to amend section three hundred and eighty-five of the Political Code, concerning the salary of the Private Secretary of the Governor, and to add a new section thereto, relative to the salary of the Clerk of the Board of Examiners—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 181—An Act to pay the claim of James Saultry, for services rendered as Porter to the Senate of the twenty-second session—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 182—An Act to pay the claim of Hiram Clock, for services rendered as Porter to the Senate of the twenty-second session—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 188—An Act to amend sections one thousand four hundred and one and one thousand four hundred and two of the Civil Code, relating to the disposition of the community property on the death of either husband or wife—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court—and recommend its passage.

Also, Senate Bill No. 261—An Act to amend section one hundred and seventy of the Code of Civil Procedure of the State of California, relating to the disqualification of Judges—and recommend that it do not pass.

Also, Senate Bill No. 260—An Act to amend section seven hundred and ninety-two of the Political Code of California, relating to the appointment of Notaries Public—and recommend that it do not pass.

WENDELL, Chairman.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 21—Relative to postal savings banks—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Concurrent Resolution No. 20—Relative to amendments to the Constitution of the United States—have had the same under consideration, and report the same back, and recommend that it do not pass.

Also, Senate Concurrent Resolution No. 17—Relative to invitation by the President of the United States of the Weis beer drinking rabble of Berlin, and members of the Semitic race, otherwise called Jews, to this country—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Concurrent Resolution No. 16—Relative to the contest now going on in Ireland—have had the same under consideration, and report the same back, and recommend that it do pass.

BAKER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: A minority of the Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 12—Relative to the payment of claims for transporting and equipment of troops—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BAKER, Chairman.

By Mr. Davis:

SENATE CHAMBER, SACRAMENTO, January 29, 1881.

MR. PRESIDENT: A majority of the Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 12—Relative to the payment of claims for transporting and equipment of troops—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, for the Majority.

By Mr. Carlock:

SENATE CHAMBER, SACRAMENTO, January 31, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report correctly engrossed the following Senate bills, viz:

Senate Concurrent Resolution No. 2—Relative to a harbor of refuge at Trinidad, in this State. Also, Senate Concurrent Resolution No. 25—Relative to appropriation for improvement of Wilmington Harbor.

Also, Senate Bill No. 213—An Act to amend section six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game.

Also, Senate Bill No. 193—An Act to protect railroad corporations in the enjoyment of their franchises.

Also, Senate Bill No. 128—An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction, during the thirty-first fiscal year.

Also, Senate Bill No. 129—An Act to provide for the payment of deficiencies in the appropriation for pay for procuring and listing lands to the State by the United States, for the twenty-fourth and twenty-fifth fiscal years.

Also, Senate Bill No. 91—An Act to regulate fire, marine, and inland insurance companies, transacting business in this State.

CARLOCK, for the Committee.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, January 31, 1881.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debris, who were directed by resolution of the Senate, adopted January, eighteen hundred and eighty-one—which resolution is as follows:

Resolved, That the Committee on Irrigation, Water Rights, and Drainage shall investigate the management and affairs of work done under and by authority of "An Act to promote drainage;" that it shall be the duty of the committee to ascertain the amount of work done, and where located; the amount of money raised from all sources for this purpose, and the amount expended up to the present time; the manner of letting contracts, and the cost of work done; and to report the same to this Senate as soon as practicable, and that the committee be authorized to send for persons, books, and papers, administer oaths, and take testimony.

Have, in pursuance thereof, prosecuted the investigation devolved upon them by said resolution, to the best of their ability, and have examined sixteen witnesses, and have taken one thousand and fifty-eight folios of testimony; and that from the testimony so taken before your committee, we report as the result of our labors as follows:

First—That the amount of work already done by the Directors of Drainage District Number One, is four hundred and seventy thousand seven hundred and eighteen dollars and fifty-two cents; that in addition to said amount, there will be some further claims against the district for work now in progress, in the line of repairing the settles in the dams on the Yuba and Bear Rivers, the amount of which cannot be ascertained until the work is finished, but it will not be of any large amount.

Second—That the location of the work done by the Directors is upon the Sacramento, Yuba, and Bear Rivers, and the details as to where said work has been done will be found in the report, or tabulated statement, made by Charles M. Cogan, Secretary of the Board of Directors, and made a part of the testimony, and marked "Exhibit A."

Third—That the amount of money raised from all sources, under the provisions of an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, for these purposes, as appears by the statement of the Controller of State (which is made a part of the testimony, and marked "Exhibit B"), is as follows:

State tax.....	\$293,120 22
District tax.....	50,331 00
Water tax.....	50,171 00
Total.....	\$393,622 22

Fourth—That the amount actually expended by the Commissioners up to date, as evidenced by the warrants drawn, is three hundred and sixty-three thousand one hundred and eighty-eight and forty one hundredths dollars.

Fifth—That the manner of letting the contracts has been in accordance with the law, and in a public and apparently fair manner, and we respectfully refer to the testimony of the Honorable Niles Searls, one of the Directors, as more fully illustrating how said contracts have been let.

Sixth—That the cost of the work done under the direction of the Directors of said Drainage District Number One is four hundred and seventy thousand seven hundred and eighteen dollars and fifty-two cents, of which amount three hundred and twenty thousand three hundred and twenty-one dollars and eighteen cents have been paid to the contractors, and the balance, one hundred and fifty thousand three hundred and ninety-seven dollars and thirty-four cents, is now due to the contractors as per report of said Secretary, Charles M. Coglan, and the estimates of the engineers of the district.

Seventh—That as to the management and affairs of the work done by the Directors, we can only say from the testimony before us, that the Directors appear to have done the best that was possible under the circumstances, with the limited means and time at their disposal, and that it appears from the testimony that they labored to complete the works deemed by them most necessary and best calculated to carry out the purposes of the Act under which they were appointed, and they were obliged, therefore, to leave some portions of the work in the district uncompleted, by reason of lack of money and time.

Eighth—That in order to carry on the investigation, and be able to obtain the information sought by the resolution, we were obliged and did employ a shorthand reporter, namely, E. B. Willis, and all the testimony was taken in shorthand by him, and has been transcribed into longhand. We append hereto a list of the witnesses examined by the committee, and the amount due to each, and also the bill of E. B. Willis, for services rendered as shorthand reporter, together with a resolution providing for the payment of said witnesses and said shorthand reporter, and the deputy who served the subpoenas.

GROVE L. JOHNSON, Chairman.
B. J. WATSON,
WARREN CHASE.
E. A. DAVIS,
D. M. POOL.

Resolved, That the Controller of the State be and he is hereby authorized and directed to draw his warrant in favor of the following named persons for the amount set opposite their names respectively, for mileage and per diem as witnesses before the Senate Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to wit:

Frank Buckner, Sacramento, one day, two miles.....	\$2 20
Mike Bryte, Sacramento, one day, two miles.....	2 20
Edward Morrison, above Washington, one day, twelve miles.....	3 20
John Hoagland, above Washington, one day, six miles.....	2 60
Pat. Ney, Sacramento, one day, two miles.....	2 20
P. A. Miller, Sacramento, one day, two miles.....	2 20
M. Davis, Colusa, one day, one hundred and sixty miles.....	18 00
Joseph McConnell, Colusa, one day, one hundred and sixty miles.....	18 00
J. M. Doyle, Marysville, one day, one hundred and four miles.....	12 40
P. F. Buckley, for serving subpoenas.....	25 00
Also, in favor of E. B. Willis for services as shorthand reporter of the committee, for per diem and transcript of testimony.....	291 60
All payable out of the Contingent Fund of the Senate.	

Resolution referred to Committee on Contingent Expenses. By Mr. Johnson:

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debris, have had under consideration Senate Bill No. 27—An Act to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, and herewith report the same back without recommendation. We make this report not because the members of the committee desire to shirk any responsibility, or avoid any duty, or avoid the expression of their opinions in reference to the bill; but because there were but five members of the committee—a bare majority—in the city when the bill was acted upon, and the committee, while

not technically bound to report the bill back on this day, yet, in accordance with what seemed to be the wish of the majority of the Senate, and not desiring to delay action thereupon, have deemed it best to report the bill back without recommendation, that its friends and foes alike may be able to act upon it in the Senate at once.

GROVE L. JOHNSON, Chairman,
B. J. WATSON,
WARREN CHASE,
E. A. DAVIS,
D. M. POOL.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, January 31, 1881.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debris, having had under consideration Senate Bill No. 287—An Act to divide the State into a drainage and irrigable district—report the same back, and recommend its passage.

JOHNSON, Chairman.

Mr. Satterwhite moved that Senate Bill No. 27 be made the special order for Wednesday next, at two o'clock P. M.

Mr. Johnson moved that Senate Bill No. 27 be made the special order for Monday next, at two o'clock P. M.

Mr. Johnson moved for a call of the Senate.

Lost.

The question recurring upon the motion of Mr. Satterwhite, the ayes and noes were demanded by Messrs. Satterwhite, Glascock, and Hill, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Glascock, Hill, Hittell, Kelly, Moreland, Nye, Pardee, Satterwhite, Wendell, West, and Zuck—14.

NOES—Messrs. Burt, Carlock, Cheney, Davis, Gorman, Johnson, Lampson, Pool, Ryan, Traylor, and Watson—11.

Carried.

INTRODUCTION OF BILLS.

By Mr. Baker: Senate Concurrent Resolution No. 29—Relative to constitutional amendment.

On file.

By Mr. Hittell: Senate Bill No. 304—Amendment to Constitution, article thirteen, section one.

Read first time, and referred to Judiciary Committee.

By Mr. Wendell: Senate Concurrent Resolution No. 30—To provide for a manufacturing arsenal at Benicia, California.

Read first time, and referred to Committee on Federal Relations.

By Mr. West: Senate Bill No. 305—An Act to provide for the formation of new counties.

Read first time, and referred to Committee on County and Township Governments.

SECOND READING OF BILLS.

Substitute for Senate Bills Nos. 162 and 168.

Passed on file.

Senate Bills Nos. 30 and 115.

Passed on file.

Senate Bill No. 185—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April first, eighteen hundred and seventy-two.

Read second time, and bill ordered engrossed.

Senate Bill No. 36—An Act to amend title two, of part four, of the

Civil Code, and each and every section thereof, and to substitute a new title two, of part four, to take the place thereof in said Code, relating to mining corporations.

Read second time, and amendments of committee adopted.

President pro tem. in the chair.

Bill ordered engrossed.

Senate Bill No. 169—An Act relative to the publication of the statutes and joint and concurrent resolutions of the Legislature.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 206—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real estate.

Read second time, and ordered engrossed.

Senate Bill No. 16—An Act to govern the practice of medicine in the State of California, and defining who are legal physicians and surgeons.

Mr. Johnson moved to place bill at head of second reading file.

So ordered.

Senate Bill No. 191.

Passed on file.

Senate Bill No. 33—An Act to prevent hunting and shooting on private inclosed grounds in the State of California.

Read second time.

Substitute of Committee on Agriculture read, and the ayes and noes were demanded upon the adoption of the substitute, by Messrs. Satterwhite, Lampson, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Baker, Carlock, Davis, Hill, Johnson, Johnston, Nye, Pardee, Pool, Wendell, West, and Zuck—12.

NOES—Messrs. Anderson, Burt, Cheney, Glascock, Gorman, Hittell, Kelly, Lampson, Moreland, Ryan, Satterwhite, Traylor, and Watson—13.

Substitute lost.

President Mansfield in the chair.

The question recurring upon the adoption of the substitute offered by the Committee on Judiciary, the ayes and noes were demanded by Messrs. Lampson, Hittell, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Davis, Hill, Johnson, Johnston, Nye, Pardee, Pool, Ryan, Satterwhite, Wendell, West, and Zuck—17.

NOES—Messrs. Anderson, Glascock, Gorman, Hittell, Kelly, Lampson, Moreland, and Watson—8.

Substitute adopted.

Mr. Johnston offered the following amendment: Insert, after the word "land," in line two, printed bill, the words "or cultivated land, whether inclosed or not."

Pending consideration the hour of recess having arrived, Mr. Johnston moved that the time of recess be postponed until after disposition of the pending bill.

So ordered.

Amendment adopted, and bill ordered engrossed.

RECESS.

At twelve o'clock and thirty-four minutes P. M. the Senate took a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Cheney, Davis, Glaseock, Gorman, Hill, Hittell, Johnson, Kelly, Moreland, Pardee, Traylor, Watson, Wendell, West, and Zuck.

It appearing that there was not a quorum present, Mr. Johnson moved that the Senate stand adjourned until half-past two o'clock P. M.

So ordered.

REASSEMBLED.

The Senate reassembled at half past two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Davis, Glaseock, Gorman, Hill, Hittell, Johnson, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—25.

Quorum present.

Mr. Ryan moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Traylor, Johnson, and Ryan, and the roll was called, with the following result:

AYES—Messrs. Cheney, Gorman, Hittell, Pardee, Pool, Ryan, Satterwhite, and Wendell—8.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Davis, Glaseock, Hill, Johnson, Moreland, Nye, Traylor, and West—12.

Lost.

By Mr. Burt:

SENATE CHAMBER, SACRAMENTO, January 31, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 29, and that the same has this day been placed in the hands of the Governor, at two o'clock and twenty minutes P. M.

BURT, for the Committee.

INTRODUCTION OF BILLS.

By Mr. Nye (by leave): Senate Bill No. 306—An Act to diminish the number of Judges of the Superior Court of the County of Mono in certain contingencies.

Read first time, and referred to Judiciary Committee.

By Mr. Carlock (by leave):

SENATE CHAMBER, SACRAMENTO, January 31, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 259—An Act to pay the claims of J. L. Farr—have had the same under consideration, report back, and the undersigned recommend that the same do pass.

A. B. CARLOCK,
E. A. DAVIS,
J. P. WEST.

And the undersigned recommend that the same do not pass.

J. C. ZUCK.

By Mr. Davis (by leave): Senate Bill No. 307—An Act to pay the claims of Duncan Beaumont and E. Twitchell, for services rendered in compiling statements of the condition of swamp land districts for which Controller's warrants are outstanding.

Read first time, and referred to Committee on Claims.

By Mr. Pardee (by leave): Senate Bill No. 308—An Act to prevent frivolous and stale bills and claims from being introduced in either branch of the Legislature.

Read first time, and referred to Judiciary Committee.

By Mr. West (by leave): Senate Bill No. 309—An Act to promote irrigation and regulating the distribution of water used therefor.

Read first time and referred to Committee on Irrigation.

THIRD READING.

Mr. Johnson moved that the reconsideration of the vote whereby Senate Concurrent Resolution No. 24 was passed, be made special order for to-morrow, at two o'clock P. M.

So ordered.

Mr. Ryan moved to take up Senate Concurrent Resolution No. 2 out of order.

So ordered.

Senate Concurrent Resolution No. 2—In regard to a harbor of refuge at Trinidad, in this State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Cheney, Davis, Glascock, Gorman, Hill, Hittell, Johnson, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Watson, and West—21.

NOES—None.

Title read and approved.

Mr. West moved to take up, out of order, Concurrent Resolution No. 25.

So ordered.

Senate Concurrent Resolution No. 25—Relating to an appropriation for the improvement of Wilmington Harbor.

Read third time.

Mr. Hittell moved to strike out the words, "the present," before the word "Congress."

So ordered.

Bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Davis, Glascock, Gorman, Hill, Hittell, Johnson, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—24.

NOES—None.

Title read and approved.

Mr. Langford moved to take up, out of order, Senate Bill No. 213.

So ordered.

Senate Bill No. 213—An Act to amend section six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Glascock, Gorman, Hill, Hittell, Johnson, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—22.

NOES—Mr. Anderson—1.

Title read and approved.

INTRODUCTION OF BILLS.

By Mr. Davis (by leave): Senate Bill No. 310—An Act to provide for refunding certain indebtedness of the State of California.

Read first time, and referred to the Finance Committee.

By Mr. Traylor (by leave):

SENATE CHAMBER, SACRAMENTO, January 31, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and to appropriate money to pay the same—have had the same under consideration, and the undersigned, a majority of said committee, report back and recommend that the same pass.

W. W. TRAYLOR,
D. M. POOL,
E. A. DAVIS,
A. B. CARLOCK,
J. P. WEST.

Mr. Brown reported back, verbally, Senate Bill No. 183, amended as per instructions.

By Mr. West (by leave): Senate Bill No. 311—An Act to repeal sections one thousand four hundred and ten, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and sixteen, one thousand four hundred and seventeen, one thousand four hundred and eighteen, one thousand four hundred and nineteen, one thousand four hundred and twenty, one thousand four hundred and twenty-one, and one thousand four hundred and twenty-two of the Civil Code, relating to the acquirement of water rights.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

On motion of Mr. Hittell, the Second Reading File was now taken up.

SECOND READING OF BILLS.

Senate Bill No. 257—An Act to provide a system of drainage for agricultural and swamp and overflowed lands.

Read second time and ordered engrossed.

Senate Bill No. 218.

Passed on file.

Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots.

Read second time, and ordered engrossed.

Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Read second time.

Amendments of committee rejected.

Mr. Zuck offered the following amendment: Add to last line of section one of printed bill, "*provided*, that nothing herein contained shall apply to estates in process of administration."

Upon the question of the adoption of the amendment, the ayes and noes were demanded by Messrs. Zuck, Hill, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Brown, Carlock, Davis, Gorman, Hill, Kelly, Moreland, and Zuck—8.

NOES—Messrs. Anderson, Baker, Burt, Cheney, Glascock, Hittell, Johnson, Lampson, Nye, Pardee, Pool, Ryan, Satterwhite, Watson, and West—15.

Amendment lost.

Bill ordered engrossed.

Senate Bill No. 253—An Act to amend section three thousand eight hundred and ninety-five of the Political Code, relating to revenue.

Referred to Committee on County and Township Governments.

Senate Bill No. 5, Senate Bill No. 21, Senate Bill No. 6, and Senate Bill No. 142.

Passed on file.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Read second time, and ordered to a third reading.

Senate Bills Nos. 55, 211, 167, 194, and 241.

Passed on file.

Assembly Bill No. 75—An Act to authorize the several counties, cities and counties, cities, and towns of this State, and the officers, and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof.

Read second time, and ordered to a third reading.

Senate Bill No. 139—An Act to confer powers upon the Supervisors, or other governing bodies of counties, and cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed.

Read second time.

Upon the question of engrossment, a division of the vote was demanded, and the motion prevailed by the following vote: ayes, fourteen; noes, five.

Senate Bill No. 120—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library.

Read second time, and ordered engrossed.

RESOLUTION.

By Mr. Pardee (by unanimous leave):

Resolved. That Senator Davis be and he is hereby added to the Senate Finance Committee.

Adopted.

ADJOURNMENT.

Mr. Davis moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Neumann, Johnson, and Davis, and the roll was called, with the following result:

AYES—Messrs. Baker, Cheney, Davis, Gorman, Hittell, Kelly, Lampson, Moreland, Pool, Ryan, Satterwhite, Watson, West, and Zuck—14.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Glascock, Hill, Hudson, Neumann, Nye, and Pardee—10.

Carried.

At three o'clock and fifty-five minutes p. m. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 1, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF COMMITTEES.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 189—An Act to amend an Act entitled "An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses"—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 47—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Judge thereof, or by the Governor, and providing for the payment by the county wherein such Court may be holden, in certain cases, of the actual expenses of such Judge for traveling to and from, and while holding such Court—and recommend that it do not pass.

Also, Senate Bill No. 202—An Act to amend section one thousand seven hundred and thirty-seven of the Code of Civil Procedure, relating to the duty of Public Administrator to deposit money with the County Treasurer—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 204—An Act to establish and protect the rights of married women—and recommend that said bill be indefinitely postponed.

Also, Senate Bill No. 209—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, to prevent the sale of liquors and tobacco to minors—and recommend its passage.

Also, Senate Bill No. 216—An Act to repeal an Act entitled "An Act to amend section one thousand five hundred and ninety of the Penal Code," approved March twenty-ninth, eighteen hundred and seventy-eight—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 223—An Act to add another section to the Penal Code (chapter seven, title seven, part one), to prohibit persons from practicing law without a license from the Supreme Court—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 242—An Act to empower societies for the prevention of cruelty to animals to take money under wills—with amendments, and recommend its passage as amended.

WENDELL, Chairman.

By Mr. Glascock:

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: A majority of your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 49—An Act to amend section three thousand four hundred and fifty-nine of the Political Code, relative to assessments upon swamp and overflowed lands for

reclamation purpose—have had the same under consideration, and report the same back, and recommend that it do not pass.

B. B. GLASCOCK.
B. F. LANGFORD.

By Mr. Johnston :

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: The undersigned begs leave to dissent from a majority of your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 49—An Act to amend section three thousand four hundred and fifty-nine of the Political Code, relative to assessments upon swamp and overflowed lands for reclamation purposes—and recommend that the bill do pass.

JOHNSTON, for the Minority.

By Mr. Sears :

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: The author, to whom was referred Senate Bill No. 8, asks leave to report the same back, with amendments, and recommend the passage of the same as amended.

SEARS.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 31, 1881. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 29—An Act making appropriations for the payment of mileage of Senators and Lieutenant Governor.

GEORGE C. PERKINS, Governor.

INTRODUCTION OF BILLS.

By Mr. Harlan: Senate Bill No. 312—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March twenty-ninth, eighteen hundred and seventy-eight.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

By Mr. Sears: Senate Bill No. 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Ordered on file.

By Mr. Ryan: Senate Bill No. 314—An Act to amend section one thousand eight hundred and fifty-eight of the Political Code.

Read first time, and referred to Committee on Education.

By Mr. Langford: Senate Bill No. 315—An Act to ascertain the will of the people of the State of California touching the propriety of so changing our public school system as to place the education of children more under parental control, to render it less expensive and better adapted to the wants of the rising generation than is practicable under the present system.

Read first time, and referred to Committee on Education.

By Mr. Mittell: Senate Bill No. 316—Amendment to Constitution.

Read first time, and referred to Judiciary Committee.

Also, Senate Bill No. 317—Amendment to Constitution.

Read first time, and referred to Judiciary Committee.

REPORT OF COMMITTEE.

By Mr. Pardee :

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore

appropriated to the Endowment Fund thereof, which moneys have, by mistake, been withheld therefrom and appropriated to other State purposes—have had the same under consideration, and beg leave to report the same back, and recommend that it do pass.

Also, Senate Bill No. 140—An Act to amend section three thousand eight hundred and sixty-six of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to settlement of County Treasurers with State Controller, and payments into the State Treasury—have had the same under consideration, report it back with amendments—and recommend that it do pass as amended.

Also, Senate Bill No. 176—An Act to provide compensation for assessing, collecting, and paying the public revenue into the State Treasury—and report the same back, with the recommendation that it do pass.

Also, Senate Bill No. 173—"An Act to regulate the payment of license fees by merchants and others"—and report it back, with the recommendation that it do not pass.

Also, Senate Bill No. 151—"An Act relative to foreign insurance companies"—and report the same back, and recommend that it be referred to the Committee on Corporations.

Also, Senate Bill No. 236—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March twenty-fifth, eighteen hundred and eighty—and report the same back, and recommend its passage.

PARDEE, Chairman.

SECOND READING OF BILLS.

Senate Bill No. 16—An Act to govern the practice of medicine in the State of California, and defining who are legal physicians and surgeons.

Read second time.

Mr. Rowell moved that the bill be recommitted to the Committee on Hospitals, with instructions to report the bill in four days.

Upon which motion the ayes and noes were demanded by Messrs. Lampson, Hittell, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Anderson, Davis, Enos, Glascock, Gorman, Harlan, Hittell, Lampson, Langford, Moreland, Pardee, Pool, Rowell, and Sears—14.

NOES—Messrs. Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Johnson, Johnston, Kane, Kelly, Neumann, Nye, Ryan, Watson, Wendell, West, and Zuck—19.

Motion lost.

Mr. Rowell moved that the bill be indefinitely postponed.

Upon which motion the ayes and noes were demanded by Messrs. Pardee, Chase, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Anderson, Carlock, Conger, Davis, Glascock, Gorman, Harlan, Hittell, Johnston, Lampson, Langford, Moreland, Pardee, Pool, Rowell, Sears, and Zuck—17.

NOES—Messrs. Brown, Byrnes, Chase, Cheney, Dickinson, Enos, George, Johnson, Kane, Kelly, Nelson, Neumann, Nye, Ryan, Watson, Wendell, and West—17.

There being a tie vote, the President voted "aye," and declared the bill indefinitely postponed.

INTRODUCTION OF BILLS.

By Mr. Satterwhite (by leave): Senate Bill No. 318—An Act to enable San Diego County to pay San Bernardino County taxes collected upon an erroneous assessment of railroad property.

Read first time, and referred to Finance Committee.

By Mr. Harlan (by leave): Senate Bill No. 319—An Act to prevent the filling up of the streams, rivers, and bays of the State with the tailings and debris from hydraulic mines.

Read first time, and referred to the Committee on Irrigation.

Also, Senate Bill No. 320—An Act in relation to the parties to and

place of trial in actions for injuries arising from tailings and debris from the mines.

Read first time, and referred to Committee on Irrigation.

Also, Senate Bill No. 321—An Act to prevent running of tailings upon land of another.

Read first time, and referred to Committee on Irrigation.

Also, Senate Bill No. 322—An Act relative to parties in action to recover damages from injuries from flow of tailings.

Read first time, and referred to Committee on Irrigation.

By Mr. Johnson (by leave): Senate Bill No. 323—An Act to amend section forty-seven of the Code of Civil Procedure, relating to sessions of the Supreme Court.

Read first time, and referred to Judiciary Committee.

SECOND READING RESUMED.

Substitute for Senate Bills Nos. 162 and 168.

Read second time.

Mr. Ryan offered the following amendment: Amend by striking out the whole of section two.

Upon which motion the ayes and noes were demanded by Messrs. Moreland, Davis, and Burt, and the roll was called, with the following result:

AYES—Messrs. Gorman, Hittell, Kane, Kelly, Neumann, Nye, Ryan, and Wendell—8.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Davis, George, Glascock, Harlan, Johnson, Johnston, Langford, Moreland, Pool, Rowell, Sears, Watson, and West—19.

Amendment lost.

Mr. Nye offered the following amendment to section one, by adding: "*provided*, that no license shall be granted for the sale of intoxicating drinks, in less quantities than one quart, to exceed one business place for every one thousand of population in such city, county, or town."

Lost.

Mr. Wendell offered the following amendment to section one: Amend by striking out the whole of the first sentence of the section, including the word "porter" and insert in lieu thereof the following: "In all cases when licenses are issued by the authorities of any city, or town, or county, for the sale of wine, liquor, beer, or porter at retail in less quantities than one quart." Amend word license in line six of printed bill by adding letter "s."

A division of the vote being demanded upon the adoption of the amendment, it was adopted by the following vote: Ayes, 23; noes, none.

Upon the question of the engrossment of the bill, the ayes and noes were demanded by Messrs. Brown, Byrnes, and Carlock, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Davis, George, Glascock, Harlan, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Pool, Rowell, Ryan, Wendell, and West—22.

NOES—Messrs. Conger, Dickinson, Enos, Gorman, Hittell, Nelson, Nye, Pardee, Traylor, and Watson—10.

Bill ordered engrossed.

Senate Bill No. 30—An Act to amend section four hundred and

twenty-seven of the Civil Code, concerning investments of capital stock and funds of insurance companies.

Bill read second time.

Mr. Neumann moved that the bill be indefinitely postponed.

RECESS.

Pending consideration of the bill, the time having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock p. m., President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

REPORTS OF COMMITTEES.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report correctly engrossed the following Senate bills, viz.:

Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and seventy-three, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

Also, Senate Bill No. 185—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 36—An Act to amend Title II, of Part IV, of the Civil Code, and each and every section thereof, and to substitute a new Title II, of Part IV, to take the place thereof in said Code, relating to mining corporations.

Also, Senate Bill No. 169—An Act relative to the publication of the statutes and joint and concurrent resolutions of the Legislature.

Also, Senate Bill No. 206—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real estate.

Also, Senate Bill No. 33—An Act to add a new section to the Penal Code, to be known as section five hundred and ninety-nine, relating to hunting and shooting on inclosed grounds.

Also, Senate Bill No. 257—An Act to provide a system of drainage for agricultural and swamp and overflowed lands.

Also, Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots.

Also, Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Also, Senate Bill No. 139—An Act to confer power upon the Supervisors, or other governing bodies of counties, and cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed.

Also, Senate Bill No. 120—An Act to amend section two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library.

GEORGE, Chairman.

By Mr. Dickinson (by leave):

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: Your Committee on Commerce and Navigation have had under consideration Senate Bill No. 286—and report the same back, and recommend its passage.

DICKINSON, Chairman.

Mr. Johnson asked indefinite leave of absence for Senator Burt, on account of sickness in his family.

So ordered.

By Mr. Johnson (by leave):

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to whom was referred Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body, of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one, of article fourteen, of the Constitution, and prescribing penalties for the non-performance of such duties—have had the same under consideration, and report the same back, and recommend that it do pass.

JOHNSON, Chairman.

Mr. Johnston gave notice of motion to reconsider the vote by which Senate Bill No. 16 was indefinitely postponed.

SPECIAL ORDERS.

Tuesday, February first, eighteen hundred and eighty-one, at two o'clock P. M.: Senate Bill No. 104—An Act to protect and promote the horticultural interests of the State.

Bill read second time, and substitute of Committee on Agriculture adopted.

Mr Johnston offered the following amendments:

1. Amend section one, line one, by striking out the word "thirty," and inserting "sixty."

Adopted.

2. Also, strike out in section one, line four, the word "three," and insert "two."

Adopted.

3. Also, strike out in section two, lines five and six, the word "fifteen," and insert the word "thirty."

Adopted.

4. Also, strike out in section two, line six, the word "five," and insert "ten."

Adopted.

SPECIAL ORDERS.

Tuesday, February first, eighteen hundred and eighty-one, at two o'clock P. M.: Senate Concurrent Resolution No. 24—Relating to the Mussel Slough prisoners.

Tuesday, February first, eighteen hundred and eighty-one, at three o'clock P. M.: Senate Bill No. 92—An Act to provide buildings and improvements for the Institution for the Deaf and Dumb, and the Blind.

The above special orders postponed until disposition of pending bill. Senate Bill No. 104 resumed.

5. Mr. Johnson offered the following amendment: Strike out, in section three, all after the word "selected," in line three.

Adopted.

6. Also, add to section four the following: "*Provided*, the amount allowed the Commissioners at large for per diem and traveling expenses shall not exceed the sum of two thousand dollars; and the amount allowed any County Commissioner for per diem and traveling expenses shall not exceed the sum of one thousand dollars in any one year."

Adopted.

7. Mr. Enos offered the following amendment: Strike out section four.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Hittell, and Johnston, and the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Ryan, Wendell, and Zuck—20.

NOES—Messrs. Baker, Cheney, Davis, Dickinson, Johnson, Johnston, Lampson, Neumann, Nye, Rowell, Sears, and West—12.

Amendment adopted.

8. Mr. Wendell offered the following amendment: Strike out section five.

Adopted.

9. Mr. Enos offered the following amendment: Amend line eleven, section fifteen, so as to read as follows: "*Provided*, that if the defendant shall file his affidavit with the County Clerk within ten days after the judgment declaring the property a nuisance, stating that he is poor and unable to bear such expenses, then the said lien shall not remain upon the property of the defendant."

Upon which motion the ayes and noes were demanded by Messrs. Baker, Anderson, and Carlock, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Hill, Hittell, Kane, Moreland, Nelson, Neumann, Pardee, Pool, Ryan, and West—21.

NOES—Messrs. Brown, Dickinson, Harlan, Johnson, Johnston, Lampson, Langford, Nye, Rowell, Watson, Wendell, and Zuck—12.

Amendment adopted.

Mr. Wendell offered the following amendment: Amend section fifteen by striking out all of said section after the word "given," in line four of printed bill, down to and including the word "defendant" in line nine of printed bill, and inserting in lieu thereof the following: "the same shall become a lien upon the real property of said defendant upon which said nuisance existed, which lien may be foreclosed by the Commissioner for the county in the proper Court."

A division of the vote being demanded, the motion was lost by the following vote: Ayes, 8; noes, 14.

Mr. Ryan now withdrew his motion to indefinitely postpone the bill.

Mr. Baker offered a substitute for the bill.

Mr. Ryan offered the following amendment: Amend section one by striking out the words "it shall be the duty of the" in line eight, and insert after the words "Board of Supervisors" the word "may."

Mr. Sears moved to recommit the bill and substitute to the Committee on Agriculture.

A division of the vote being demanded, the motion was lost by the following vote: Ayes, 12; noes, 21.

The motion recurring on the adoption of the substitute, the ayes and noes were demanded by Messrs. Baker, Gorman, and Hill, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, Wendell, West, and Zuck—26.

NOES—Messrs. Chase, Cheney, Conger, Enos, Hittell, Kane, Moreland, and Nelson—8.

Substitute adopted.

The question recurring upon the adoption of the amendment of Mr. Ryan, the motion prevailed.

Mr. Sears offered the following amendment: Amend section one, line one, by striking out the word "verified."

Adopted.

Mr. Gorman offered the following amendment to section one: Strike out, in line thirteen, the words "it shall be the duty of."

Adopted.

And also the word "to," in same line, and insert after the word "Supervisors" the word "may."

Adopted.

Mr. Sears offered the following amendment: Amend section two, line two, by striking out the word "four."

Adopted.

Mr. Brown moved that his notice of motion to reconsider the vote by which Senate Bill No. 145 was passed, be continued until to-morrow.

So ordered.

Mr. Zuck asked leave of absence for the Committee on Contingent Expenses for the remainder of the day.

So ordered.

Mr. Sears moved to reconsider the vote by which the amendment was adopted.

A division of the vote was demanded, and the motion lost by the following vote: Ayes, 10; noes, 19.

Mr. Wendell offered the following amendment: Amend section two by striking out all of said section before the word "and," in line eight of printed bill.

A division of the vote being demanded, the motion prevailed by the following vote: Ayes, 13; noes, 12.

Mr. Glascock offered the following amendment: Strike out all after the word "trees" in line ten of section six.

A division of the vote being called for, the motion was lost by the following vote: Ayes, 10; noes, 16.

Also, all of section seven.

A division of the vote being called for, the motion was lost by the following vote: Ayes, 11; noes, 15.

Mr. Pardee moved that all the special orders set for to-day, be continued until to-morrow, in their regular order.

So ordered.

Upon the question of the engrossment of Senate Bill No. 104, the ayes and noes were demanded by Messrs. Davis, Dickinson, and Enos, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Davis, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, Wendell, and West—22.

NOES—Messrs. Chase, Cheney, Conger, Hittell, Kane, Kelly, and Nelson—7.

Bill ordered engrossed.

ADJOURNMENT.

At four o'clock and fifty-five minutes p. m., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,)
 Wednesday, February 2, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, T aylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF COMMITTEES.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, February 2, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following resolution, viz:

Resolved, That the Controller of the State be and he is hereby authorized and directed to draw his warrant in favor of the following named persons for the amount set opposite their names respectively, for mileage and per diem as witnesses before the Senate Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to wit:

Frank Buckner, Sacramento, one day, two miles	\$2 20
Mike Bryte, Sacramento, one day, two miles	2 20
Edward Morrison, above Washington, one day, twelve miles	3 20
John Hoagland, above Washington, one day, six miles	2 60
Pat. Ney, Sacramento, one day, two miles	2 20
P. A. Miller, Sacramento, one day, two miles	2 20
M. Davis, Colusa, one day, one hundred and sixty miles	18 00
Joseph McConnell, Colusa, one day, one hundred and sixty miles	18 00
J. M. Doyle, Marysville, one day, one hundred and four miles	12 40
P. F. Buckley, for serving subpoenas	25 00
Also, in favor of E. B. Willis for services as shorthand reporter of the committee, for per diem and transcript of testimony	281 60

All payable out of the Contingent Fund of the Senate;

Have had the same under consideration, report back, and recommend that the same be adopted.

Also, the following resolution, viz:

Resolved, That the President of the Senate be and is hereby requested to appoint a committee of five Senators, to be known as a Committee of Inquiry: that the duty of such committee shall be to inquire into, and ascertain in what manner the appropriations have been expended on the so called bulkhead or seawall, in the City and County of San Francisco, and the harbor thereof: to whom the same has been paid, for what the same has been paid, and to make a thorough investigation into the whole management of construction of said bulkhead, or seawall, from the time of the commencement of its construction to the time of the filing of the report of the committee herein provided for. They shall have power to appoint a shorthand reporter, a clerk, and a Sergeant-at-Arms, and shall have power to bring such witnesses before them as they may desire, and inspect and send for all books and records of any work done upon said bulkhead or seawall. And said committee shall and must report as soon as possible to this, the Senate of the State of California;

And recommend that the same be not adopted.

Also, recommend the adoption of the following resolution, viz:

Resolved, That the members of the Committee on Military Affairs be allowed the amounts set opposite to their respective names, for mileage, as shown in the following, said amounts being payable out of the appropriation for the contingent expenses of the Senate:

Senator Dickinson	\$16 80
Senator Nelson	16 80
Senator Conger	16 80
Senator Hittell	16 80
Senator Neumann	16 80
Senator Enos	16 80

Also, recommend the adoption of the following resolution, viz.:

Resolved, That the members of the Committee on State Prisons be allowed the amount set opposite to their respective names, for mileage, as shown in the following, said amounts being payable out of the appropriation for the contingent expenses of the Senate:

Senator Watson	\$24 00
Senator Enos	24 00
Senator Brown	24 00
Senator Moreland	24 00
Senator Rowell	24 00
Senator Sears	19 20
Senator Newmann	19 20
Senator Cheney	19 20
Clerk A. W. Potter	24 00

Also, recommend the adoption of the following resolution, viz.:

Resolved, That the members of the Committee on Education be allowed the amounts set opposite to their respective names, for mileage, as shown in the following, said amounts being payable out of the appropriation for the contingent expenses of the Senate:

Senator Davis	\$26 20
Senator Moreland	26 20
Senator Rowell	26 20
Senator Baker	26 20
Senator Lamson	26 20
Senator Watson	16 80

Also, recommend the adoption of the following resolution, viz.:

Resolved, That the following named persons be allowed the amounts set opposite to their respective names, for merchandise and repairs, as shown in the following, said amounts being payable out of the appropriation for the contingent expenses of the Senate:

Pacific Ice Company, for ice	\$17 40
Hobby & Smith, repairs to filter	2 00

Also, recommend that the Controller of State be authorized and directed to draw his warrant in favor of the parties above named, and for the amounts stated in this report.

ZUCK, Chairman.

Adopted.

By Mr. Ryan:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Concurrent Resolution No. 18, and Senate Bill No. 262, have had the same under consideration, and report the same back, with an amendment to Senate Bill No. 262, and recommend their passage.

RYAN, for the Committee.

By Mr. Byrnes:

SENATE CHAMBER, SACRAMENTO, February 2, 1881.

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 217—An Act to provide for bridges across navigable streams—have had the same under consideration, report the same back with amendments, and recommend its passage as amended.

BYRNES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1881.

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 94—An Act to amend section two thousand six hundred and ninety-eight of the Political Code.

Also, Senate Bill No. 146—An Act to amend section two thousand six hundred and forty-five of the Political Code, relating to highways.

Also, Senate Bill No. 147—An Act concerning roads and highways in this State, relating to counties of the third class.

Have had the same under consideration, report back, with a substitute for the three bills, and recommend the passage of the substitute.

BYRNES, Chairman.

By Mr. Conger:

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 246—An Act to compel the use of a brand, stamp, stencil, or trademark on all manufactured commodities—have had the same under consideration, and report the same back, and recommend that it do pass.

CONGER, Chairman,
CHASE,
ENOS,

Majority of the Committee.

By Mr. Watson:

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: The undersigned, a minority of your Committee on Labor and Capital, to whom was referred Senate Bill No. 246—An Act to compel the use of a brand, stamp, stencil, or trademark on all manufactured commodities—have had the same under consideration, and report the same back, and recommend that it do not pass.

WATSON.
CARLOCK.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report correctly engrossed the following, viz.:

Substitute for Senate Bills Nos. 162 and 168—An Act to regulate the granting of retail liquor licenses.

GEORGE, Chairman.

Mr. Kane gave notice of motion to reconsider the vote whereby the report of the Committee on Contingent Expenses, relating to the bulk-head and seawall of San Francisco, was adopted.

By Mr. Lampson:

SENATE CHAMBER, SACRAMENTO, February 2, 1881.

MR. PRESIDENT: The Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 292—An Act to regulate the practice of pharmacy and the sale of medicines and poisons, to provide for the inspection of drugs and medicines, and to punish the adulteration of the same—have had it under consideration, and report the same back, recommending its passage.

LAMPSON, Chairman.

Also:

MR. PRESIDENT: The Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 263—An Act to regulate the practice of medicine in the State of California—have had the same under consideration, and report it back, with recommendation that it do not pass.

LAMPSON, Chairman.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, February 2, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 229—An Act to amend section six hundred and nine of the Code of Civil Procedure, relating to instructions to juries—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 251—An Act adding a new section to the Penal Code, relating to the crime of rape, and repealing so much of section three hundred and twenty as is in conflict therewith—and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 114—An Act to amend section one thousand three hundred and twenty-two of the Penal Code of this State, to determine when husband and wife may testify against each other in criminal cases—and recommend its passage.

Also, Senate Bill No. 276—An Act to amend section one thousand six hundred and thirty-four of the Code of Civil Procedure, relative to notice and proceedings when a petition for final distribution of an estate in probate is filed with a final account—and recommend its passage.

Also, Assembly Bill No. 136—An Act to amend section two hundred and eleven of the Civil Code—and recommend that it do not pass.

Also, Assembly Bill No. 189—An Act to amend the third subdivision of section four hundred and eighty-seven of the Penal Code, relating to the definition of grand larceny—and recommend its passage.

Also, Senate Bill No. 112—An Act to amend section one thousand seven hundred and twenty-six of the Code of Civil Procedure, relating to the duties of Public Administrators, with a substitute therefor—and recommend the passage of the substitute.

WENDELL, Chairman.

By Mr. Rowell:

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: Your Committee on State Library, to whom was referred Senate Bill No. 172—An Act to amend section two thousand two hundred and ninety-six of the Political Code, relative to the taking of books from the State Library—have had the same under consideration, and unanimously recommend that the same do not pass.

ROWELL, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February first, eighteen hundred and eighty one, refused first reading to Senate Bill No. 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix.

Also, Senate Bill No. 71—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration.

J. M. WRIGHT, Assistant Clerk.

INTRODUCTION OF BILLS.

Committee's substitute for Senate Bills Nos. 94, 146, and 147.

Read first time, and ordered on file.

By Mr. Hittell: Senate Bill No. 324—Amendment to Constitution, article four, section twenty-five, subdivision twenty-eight.

Read first time, and referred to Judiciary Committee.

By Mr. Baker: Senate Bill No. 325—An Act to amend sections two hundred and seventy-six and two hundred and seventy-seven of the Code of Civil Procedure, relating to attorneys and counselors at law.

Read first time, and referred to Judiciary Committee.

By Mr. Johnston: Senate Concurrent Resolution No. 31—Relative to the sale of mineral lands.

Read first time, and referred to Committee on Federal Relations.

Mr. Pardee now moved to take up special order, Senate Bill No. 92, set for three o'clock P. M. to-day.

So ordered.

Senate Bill No. 92—An Act to provide buildings and improvements for the Institution for the Deaf and Dumb, and the Blind.

Mr. Nye moved that the appropriation be reduced to forty thousand dollars.

Mr. Watson moved that the bill be recommitted to Committee on Public Buildings, with instructions to amend section one by striking out the words and figures "seventy-three thousand dollars," and inserting in lieu thereof "forty thousand dollars."

So ordered.

Also, that the title of the bill be amended so as to read "for the Asylum for the Deaf and Dumb, and the Blind."

So ordered.

Mr. Davis moved that the bill, with all amendments, be laid on the table.

Upon which the ayes and noes were demanded by Messrs. Davis, Harlan, and Johnston, and the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Davis, Harlan, Johnston, Moreland, Wendell, West, and Zuck—10.

NOES—Messrs. Baker, Carlock, Chase, Conger, Dickinson, Enos, George, Glasecock, Gorman, Hill, Hittell, Johnson, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, and Watson—27.

Motion lost.

Mr. Johnson asked one day's leave of absence for Senator Cheney, on account of sickness.

Granted.

REPORT OF COMMITTEE.

By Mr. Wendell (by leave):

MR. PRESIDENT: The Committee on County and Township Governments, to whom was referred Senate Bill No. 40—An Act to establish a uniform system of county governments—have had the same under consideration, and report the same back with amendments, leaving certain blanks for salaries of officers, in section four thousand two hundred and seventeen, to be filled by the Senate, and recommend its passage as amended, after filling said blanks.

Also, Senate Bill No. 84—An Act to amend section four thousand two hundred and four of the Political Code, relating to the duties of County Clerk—and recommend that the author have leave to withdraw the same, for the reason that its provisions have been incorporated in committee amendments to Senate Bill No. 40.

WENDELL, Chairman.

Senate Bill No. 92 resumed.

Mr. Sears moved to add to instructions to amend, by adding to section one: "Provided, that the cost to the State for the erection and completion of said educational building shall not exceed the sum herein appropriated."

Adopted, and bill recommitted, with further instruction to report back forthwith.

Mr. Satterwhite moved that double the number of copies of Senate Bill No. 40 be printed, with the amendments in brackets.

So ordered.

Mr. Lampson moved that Senate Bill No. 292 be recommitted to Committee on Hospitals.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 30.

Passed on file.

Senate Bill No. 115—An Act amending an Act declaring Islais Creek a navigable stream, approved March twenty-sixth, eighteen hundred and sixty-eight.

Mr. Dickinson moved to indefinitely postpone the bill.

Mr. Sears offered the following amendment: Section two of said Act is hereby amended so as to read as follows: "Section 2. It shall not be lawful for any person or persons to build any dam or bridge across said creek, or channel, or any wharf that will interfere with the navigation of the same, but the."

Amend section two, line three, printed bill, by striking out the words "one half mile above," and insert the words "where the."

Amend section two, line four, by inserting after the word "road" the words "crosses said creek."

Amend section two, line five, by inserting the word "the" before the word "opinion."

President pro tem. in the chair.

Amendments adopted.

Mr. Neumann moved that the bill be indefinitely postponed.

Bill read second time.

Mr. Sears offered the following amendment: Amend the title by adding after the word "stream," the words "and to repeal section three of said Act."

Adopted.

Mr. Rowell moved to strike out section three.

Lost.

Upon the motion to indefinitely postpone the bill, the ayes and

noes were demanded by Messrs. Johnson, Zuck, and Brown, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Conger, Dickinson, Gorman, Hittell, Johnston, Kelly, Neumann, Pardee, Rowell, Traylor, Wendell, and West—14.

NOES—Messrs. Anderson, Byrnes, Chase, Enos, Glascock, Harlan, Hill, Johnson, Kane, Langford, Moreland, Nelson, Nye, Ryan, Satterwhite, Sears, Watson, and Zuck—18.

Lost.

Upon the question of the engrossment of the bill, the ayes and noes were demanded by Messrs. Johnson, Zuck, and Brown.

The roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Chase, Davis, Enos, Glascock, Harlan, Johnson, Kane, Lampson, Langford, Moreland, Nelson, Ryan, Satterwhite, Sears, Watson, and Zuck—18.

NOES—Messrs. Baker, Brown, Conger, Dickinson, George, Gorman, Hill, Hittell, Johnston, Kelly, Neumann, Nye, Pardee, Rowell, Traylor, Wendell, and West—17.

Bill ordered engrossed.

REPORTS OF COMMITTEES.

By Mr. Johnson (by leave):

SENATE CHAMBER, SACRAMENTO, February 1, 1881.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 268, have had the same under consideration, and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 238—and recommend its passage.

Also, Senate Bill No. 210—and recommend that it do not pass.

CHENEY, Chairman.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 2, 1881.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was recommended Senate Bill No. 92—An Act to provide buildings and improvements for the institution of the Deaf and Dumb, and the Blind—with instructions, would respectfully report back the bill, amended in accordance with the instructions of the Senate.

BAKER, Chairman.

RECESS.

The time having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

SPECIAL ORDER.

Wednesday, February second, eighteen hundred and eighty-one, at two o'clock P. M.—Senate Concurrent Resolution No. 24, relating to the Mussel Slough prisoners.

The question recurred on the motion of Mr. Johnson to reconsider the vote whereby Senate Concurrent Resolution No. 24 was passed.

Mr. West moved that Senate Bill No. 187, set for two o'clock and thirty minutes P. M. as a special order, be continued until to-morrow at the same hour.

So ordered.

Senate Concurrent Resolution No. 24 resumed.

Upon the question of reconsideration, the ayes and noes were demanded by Messrs. Johnson, Neumann, and Chase.

The roll was called, with the following result:

AYES—Messrs. Carlock, Conger, Davis, George, Gorman, Harlan, Hudson, Johnson, Neumann, Nye, Sears, Traylor, and Watson—13.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Chase, Enos, Glascock, Hittell, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—23.

Motion lost.

Senate Bill No. 27—An Act to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Mr. Neumann asked leave of absence for half an hour.

Granted.

Senate Bill No. 27 resumed.

Mr. Johnson offered the following resolution:

Resolved, That the Secretary of the Senate be and he hereby is directed to procure two hundred advance copies of the report of the State Engineer for the use of the Senate, and also to have printed for the use of the Senate two hundred copies of the testimony given before the Senate Committee on Irrigation, Water Rights, Drainage, and Mining Debris, and that all said work be immediately performed.

Mr. Sears moved to lay the pending resolution upon the table.

Upon which motion the ayes and noes were demanded by Messrs. Hill, Zuck, and Enos, and the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Langford, Moreland, Pardee, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—22.

NOES—Messrs. Conger, Davis, Dickinson, George, Hudson, Johnson, Kane, Lampson, Nelson, Nye, Pool, Ryan, Traylor, and Watson—14.

So ordered.

Mr. Baker was paired with Mr. Burt. Mr. Baker voting aye, Mr. Burt no.

Mr. Satterwhite offered the following: Make Senate Bill No. 27 the special order for Friday at ten o'clock and thirty minutes A. M., and continue the same to the exclusion of other business till vote on engrossment is had, and if engrossed, shall be placed at the head of Third Reading File when reported correctly engrossed, and shall take precedence of all special orders.

Upon its adoption, the ayes and noes were demanded by Messrs. Pardee, Johnson, and Satterwhite.

Mr. Baker announced that he had been released from his pair with Mr. Burt.

The roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—30.

NOES—Messrs. Anderson, Enos, Langford, Pardee, and Traylor—6.

So ordered.

Mr. Johnson now moved that the reconsideration of vote by which Senate Bill No. 16 was indefinitely postponed, be set for to-morrow, at two o'clock P. M.

So ordered.

REPORTS OF COMMITTEES.

By Mr. Johnson (by leave):

SENATE CHAMBER, SACRAMENTO, February 2, 1881.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to whom was referred Senate Bill No. 166—An Act to provide for fixing the rates of compensation for water supplied for domestic and other uses within the corporate limits of cities and counties, cities, or towns, in the State of California—have had the same under consideration, and a majority of said committee report the same back, and recommend that it do pass as amended.

JOHNSON, Chairman.

Mr. Brown now moved that the vote by which Senate Bill No. 145 was passed, be reconsidered.

Mr. Gorman arose to a point of order, that there had been a lapse of notice.

The Chair ruled the point of order well taken.

Mr. Watson called up Senate Bill No. 92 for correction of a clerical error.

Mr. Nye moved that the bill be recommitted to the author, with instructions to change "seventy-eight thousand five hundred dollars" to "forty-five thousand five hundred dollars," in line two, printed bill, and to report the same forthwith.

So ordered.

Mr. Hill moved that the Senate do now adjourn.

Lost.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 2, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report correctly engrossed the following, viz.:

Substitute for Senate Bill No. 104—An Act to protect and promote the horticultural interests of the State.

GEORGE, Chairman.

Mr. Watson moved that the Senate do now adjourn.

A division of the vote being demanded, the motion prevailed by the following vote: Ayes, 12; noes, 11.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M. the Senate adjourned

IN SENATE.

SENATE CHAMBER,
Thursday, February 3, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

President pro tem. in the chair.

REPORTS OF COMMITTEES.

By Mr. Dickinson:

MR. PRESIDENT: Your Committee on Commerce and Navigation have had under consideration Senate Concurrent Resolution No. 9—and report the same back, and recommend its passage.

DICKINSON, Chairman.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 3, 1881.

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 4—Relative to pensioning the soldiers of the Mexican war—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same be adopted as amended.

Also, Senate Joint Resolution No. 3—Relative to granting charter to Nicaragua Inter-oceanic Canal Company;

Also, Senate Concurrent Resolution No. 27—Relative to the establishment of a postal telegraph system;

Also, Assembly Concurrent Resolution No. 8—Relative to the restriction of Chinese immigration into the United States:

Would respectfully report that they have had the same under consideration, and now report the same back, with the recommendation that they do pass.

BAKER, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, February 3, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 225—An Act to provide for an additional Judge of the Superior Court of the County of Alameda—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

WENDELL, Chairman.

By Mr. Lampson:

MR. PRESIDENT: The Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 154—"An Act to provide for the control, maintenance, and apprenticing of children in the Orphan Asylums of this State"—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

LAMPSON, Chairman.

Mr. Watson moved that Senate Bill No. 258 be referred back to the Committee on State Prison.

So ordered.

By Mr. Nye :

MR. PRESIDENT: The undersigned, to whom was referred Senate Bill No. 92, with instructions to amend by inserting in second line of printed bill, as amended, in place of seventy-eight thousand five hundred dollars, the figures forty-five thousand five hundred dollars, report I have complied with the instructions.

S. G. NYE.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February first, eighteen hundred and eighty-one, adopted Assembly Concurrent Resolution No. 2—relative to donations to railroad corporations.

Also, Assembly Concurrent Resolution No. 3—Relative to sale of timber lands along the headwaters of streams in the Sierras.

Also, that on February second, eighteen hundred and eighty-one, the Assembly adopted Assembly Concurrent Resolution No. 16—Relative to asking the President of the United States to pardon the convicted Mussel Slough settlers.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 3—As above, read first time, and referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 16—As above, read first time, and referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 2—As above, read first time, and referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February second, eighteen hundred and eighty-one, passed Assembly Bill No. 48—An Act to provide for the classification of municipal corporations.

Also, Assembly Bill No. 197—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity.

Also, Assembly Bill No. 183—An Act to correct the spelling of the names of two of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts.

Also, Assembly Bill No. 72—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same.

Also, adopted Senate Concurrent Resolution No. 24—Relative to Mussel Slough prisoners.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 48—As above, read first time, and referred to the Committee on County and Township Governments.

Assembly Bill No. 197—As above, read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

Assembly Bill No. 183—As above, read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 72—As above, read first time, and referred to the Committee on Judiciary.

INTRODUCTION OF BILLS.

By Mr. West: Senate Bill No. 326—An Act adding a new section to the Penal Code of the State of California, relating to confinement in the Asylum for the insane of persons committing murder while insane.

Read first time, and referred to Judiciary Committee.

By Mr. Wendell: Senate Bill No. 327—An Act to amend section one thousand five hundred and forty-seven of the Penal Code.

Read first time, and referred to Judiciary Committee.

By Mr. Hittell: Senate Bill No. 328—Amendment to the Constitution.

Read first time, and referred to Judiciary Committee.

SECOND READING OF BILLS.

Senate Bill No. 30—An Act to amend section four hundred and twenty-seven of the Civil Code, concerning investments of the capital stock and funds of insurance companies.

Read second time.

Mr. Neumann asked leave to withdraw his motion to indefinitely postpone.

Leave granted.

Mr. Neumann offered the following amendment: Amend first subdivision on line seven of printed bill, by striking out the word "and," and inserting in lieu thereof the word "or."

Adopted.

Also, the following amendment: Insert, in line eight, after the word "counties," the words, "or counties."

Adopted.

Also, insert in line eight, after the word "State," the words "which are not in default for interest on such bonds."

Adopted.

Also, strike out the third subdivision, and insert in lieu thereof: "Third. Upon merchandise in warehouse not exceeding ninety per centum of its market value."

Adopted.

Bill ordered engrossed.

Senate Bill No. 191—An Act to pay the claim of W. C. Guirey.

Author asked leave to withdraw bill.

Leave granted.

Senate Bill No. 218—An Act to lessen the expenses of litigation by restricting the admission of testimony and the time consumed in arguments by counsel, to be known as section six hundred and twenty, Code of Civil Procedure.

Mr. Wendell moved to indefinitely postpone the bill.

Upon which motion the ayes and noes were demanded by Messrs. Zuck, Enos, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Chase, Conger, Davis, Dickinson, Glascock, Harlan, Hittell, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, and Zuck—23.

NOES—Messrs. Byrnes, Carlock, Enos, George, Gorman, Hill, Johnson, Johnston, Kane, Neumann, Ryan, Traylor, and West—13.

Motion carried.

President Mansfield in the chair.

Senate Bill No. 5—An Act to establish and support a bureau of labor and land statistics.

Read second time.

Mr. Zuck moved to indefinitely postpone the bill.

Mr. George moved to lay the pending bill, with its amendments, upon the table.

Upon which motion the ayes and noes were demanded by Messrs. Zuck, Hill, and George.

The roll was called, with the following result:

AYES—Messrs. Baker, Brown, George, Glascock, Harlan, Hittell, Johnson, Lampson, Neumann, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck—15.

NOES—Messrs. Anderson, Byrnes, Carlock, Chase, Conger, Davis, Enos, Gorman, Hill, Johnston, Kane, Kelly, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, and West—20.

Motion lost.

The President announced the presence of H. R. M. Kalakaua, King of the Sandwich Islands.

Mr. Baker moved that a recess of fifteen minutes be declared for the purpose of extending a welcome to his Majesty.

So ordered.

RECESS.

And at eleven o'clock and twenty minutes A. M. the Senate took a recess for fifteen minutes.

REASSEMBLED.

The Senate reassembled pursuant to recess.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Chase, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck.

Quorum present.

By Mr. Pardee (by leave):

SENATE CHAMBER, SACRAMENTO, February 3, 1881.

MR. PRESIDENT: Your Committee on Finance beg leave to report that they have had under consideration Senate Concurrent Resolution No. 14—Relative to the redemption of worn and mutilated currency—and report the same, with a recommendation that it do pass.

Also, Senate Bill No. 196—An Act to amend section three thousand six hundred and seven of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue—have amended the same, and recommend the passage of the bill as amended.

Also, have had under consideration Substitute Bill No. 197—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-one, three thousand six hundred and fifty, and three thousand six hundred and fifty-one of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue—for which your committee offer a substitute, and recommend that the substitute do pass.

Also, we recommend for passage Senate Bill No. 141—An Act to amend sections three thousand seven hundred and seventy-three, three thousand seven hundred and seventy-six, three thousand seven hundred and seventy-seven, and three thousand eight hundred and sixteen, and to repeal section three thousand eight hundred and three of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the collection of property taxes.

Also, we recommend that Senate Bill No. 148—An Act prohibiting banks, or savings and loan societies, and the attorneys, counsel, and other employees thereof, from charging borrowers for searching or passing upon the title to property mortgaged to said banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies—be indefinitely postponed.

Also, we report back Senate Bill No. 103—An Act to amend title nine, of part three, of the Political Code of California, relating to the revenue, and to add a new section to the same, to be numbered section three thousand six hundred and eight, and recommend that the author have leave to withdraw the same.

PARDEE, Chairman.

Mr. Pardee moved that Senate Bills No. 196 and 197 be made special order for Tuesday, at two o'clock p. m., and that the substitute bill be printed out of order.

Upon which motion the ayes and noes were demanded by Messrs. Wendell, Hittell, and George, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Davis, George, Hittell, Johnson, Kane, Lampson, Nelson, Neumann, Pardee, Sears, Traylor, and Watson—16.

NOES—Messrs. Anderson, Chase, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Johnston, Kelly, Moreland, Nye, Rowell, Satterwhite, Wendell, West, and Zuck—18.

Motion lost.

Mr. Zuck offered the following amendment: Strike out section eight.

Pending the argument thereon by Mr. Enos, Mr. Johnston arose to a question of privilege.

Mr. Satterwhite arose to a point of order, that Mr. Johnston was out of order.

The President ruled the point of order not well taken.

Mr. Satterwhite appealed from the decision of the Chair.

The roll was called upon sustaining the decision of the Chair, with the following result:

AYES—Messrs. Brown, Byrnes, Carlock, Davis, George, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Lampson, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and West—19.

NOES—Messrs. Anderson, Baker, Chase, Conger, Enos, Glascock, Hill, Kelly, Moreland, Nelson, Nye, Ryan, and Satterwhite—13.

Decision of chair sustained.

Mr. Johnston asked the reading of the minutes upon Mr. Enos' action on Senate Bill No. 104, on February first, eighteen hundred and eighty-one, in his own vindication, and the Secretary was so directed.

Mr. Baker moved to extend the hour for recess five minutes.

So ordered.

RECESS.

Pending consideration of the bill, at twelve o'clock and thirty-five minutes p. m., the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock p. m.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnson moved to take from the table the resolution introduced by him yesterday, in regard to instructing the Secretary to procure two hundred advance copies of the report of the State Engineer for the use of the Senate, and also to have printed for the use of the

Senate two hundred copies of the testimony given before the Senate Committee on Irrigation, Water Rights, Drainage, and Mining Debris, and that all of said work be immediately performed.

Upon which motion the ayes and noes were demanded by Messrs. Carlock, Johnson, and Baker.

The roll was called, with the following result:

AYES—Messrs. Carlock, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Pool, Ryan, Sears, Traylor, and Watson—21.

NOES—Messrs. Anderson, Baker, Chase, Hill, Hittell, Hudson, Moreland, Rowell, Satterwhite, Wendell, and Zuck—11.

So ordered.

The question recurred upon the adoption of the resolution.

Mr. Johnson moved to amend the original resolution, to read as follows:

Resolved, That the Secretary of the Senate be and he hereby is directed to procure two hundred advance copies of the report of the State Engineer, for the use of the Senate. Also, have printed for the use of the Senate two hundred copies of the testimony of Mike Bryte, Frank Buckner, Ed. Monson, Niles Searls, J. M. Doyle, Wm. H. Hall, C. D. Rhoades, and W. H. Parks, given before the Senate Committee on Irrigation, Water Rights, Drainage and Mining Debris, and that all of said work be immediately performed.

Upon which motion the ayes and noes were demanded by Messrs. Carlock, Johnson, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Cheney, Conger, Davis, Dickinson, George, Johnson, Johnston, Lampson, Neumann, Pool, Traylor, and Watson—12.

NOES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—25.

Amendment lost.

Mr. Johnson moved that all special orders be temporarily postponed until the pending resolution was disposed of.

The question recurring on the adoption of the resolution, the ayes and noes were demanded by Messrs. Baker, Johnson, and Carlock, and the roll was called, with the following result:

AYES—Messrs. Cheney, Conger, Davis, George, Glascock, Johnson, Lampson, Nelson, Traylor, and Watson—10.

NOES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—27.

Motion lost.

Mr. Kane now moved to reconsider the vote by which his resolution in regard to the proposed appointment of a committee of five Senators, to be known as a Committee of Inquiry, was lost.

Upon the question of reconsideration the ayes and noes were demanded by Messrs. Baker, Carlock, and Neumann, and the roll was called, with the following result:

AYES—Messrs. Cheney, Conger, Enos, George, Gorman, Hill, Hudson, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Wendell, and West—49.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Dickinson, Glascock, Hittell, Lampson, Langford, Moreland, Rowell, Sears, Traylor, Watson, and Zuck—17.

Motion carried.

Mr. Zuck moved to make the resolution a special order for tomorrow, at two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Zuck, Kane, and Carlock, and the roll was called, with the following result:

AYES—Messrs. Rowell, and Zuck—2.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—36.

Motion lost.

Mr. Dickinson offered the following amendment to the resolution: Insert, "that the Committee on Commerce and Navigation," in lieu of all of the present resolution, down to the word "inquire," in third line of resolution as printed in the Journal.

Lost.

The question recurring upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Enos, Chase, and Nelson.

The roll was called, with the following result:

AYES—Messrs. Conger, Enos, Gorman, Johnson, Johnston, Kane, Kelly, Nelson, Pardee, Pool, Ryan, Satterwhite, Watson, Wendell, and West—15.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Lampson, Langford, Moreland, Neumann, Nye, Rowell, Sears, Traylor, and Zuck—24.

Resolution lost.

SPECIAL ORDER.

Thursday, February third, eighteen hundred and eighty-one, at two o'clock P. M.: Senate Bill No. 16—An Act to govern the practice of medicine in the State of California, and defining who are legal physicians and surgeons.

Mr. Johnson now moved to reconsider the vote by which the above bill was indefinitely postponed.

Upon which motion the ayes and noes were demanded by Messrs. Hudson, Zuck, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Traylor, Watson, Wendell, West, and Zuck—31.

NOES—Messrs. Anderson, Hittell, Lampson, Rowell, and Satterwhite—5.

Motion carried.

Mr. Johnson now moved to place the bill at the head of the Second Reading File for Tuesday next.

So ordered.

SPECIAL ORDER.

For Thursday, February third, eighteen hundred and eighty-one, at two o'clock and thirty minutes P. M.: Senate Bill No. 187—An Act to establish a Branch State Normal School.

Mr. West now moved to reconsider the vote by which the above bill was lost.

Upon which motion the ayes and noes were demanded by Messrs. West, Chase, and Gorman, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Johnson, Johnston, Kane, Lampson, Neumann, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, and West—27.

NOES—Messrs. Glascock, Hill, Hittell, Kelly, Langford, Moreland, Nye, Ryan, and Wendell—9.

Motion carried.

The question now recurring upon the passage of Senate Bill No. 187, the roll was called, and the bill was passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, Harlan, Hudson, Johnson, Johnston, Kane, Nelson, Pool, Rowell, Satterwhite, Sears, Watson, and West—21.

NOES—Messrs. Byrnes, Dickinson, George, Glascock, Gorman, Hill, Hittell, Kelly, Lampson, Langford, Nye, Ryan, Traylor, Wendell, and Zuck—15.

Title read and approved.

REPORT OF COMMITTEE.

By Mr. Traylor (by leave):

SENATE CHAMBER, SACRAMENTO, February 3, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 228—An Act to pay the claims of Mary M. Springer, widow and heir of Thomas A. Springer, late State Printer, deceased—have had the same under consideration, and the undersigned report back and recommend that the same do not pass.

W. W. TRAYLOR,
J. C. ZUCK,
A. B. CARLOCK,
J. P. WEST,
E. A. DAVIS.

And the undersigned report back and recommend that the same do pass.

J. S. ENOS.
D. M. POOL.

THIRD READING OF BILLS.

Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violations of the law for the preservation of fish.

Read third time.

Mr. Wendell moved to recommit the bill to the Committee on Fish and Game, with instructions to amend section one so as to read as follows:

SECTION 1. Section six hundred and thirty-four of the Penal Code is hereby amended so as to read as follows:

634. Every person who, between the first day of August and the thirty-first day of August of each year, takes or catches, buys, sells, or has in his possession, any fresh salmon, is guilty of a misdemeanor. Every person who shall set or draw, or shall assist in setting or drawing, any net or seine for the purpose of taking or catching salmon in any of the waters of this State, at any time between sunrise of each Saturday and twelve o'clock noon of the following Sunday, is guilty of a misdemeanor. Every person who, between the first day of April and the thirty-first day of December in each year, takes or catches, buys, sells, or has in his possession, any fresh shad, is guilty of a misdemeanor. Nothing in this chapter shall be so construed as to prohibit any person from catching fish with hook and line at any time in the tide waters of this State.

So ordered.

Senate Bill No. 62—An Act to amend section three thousand six

hundred and forty-four of the Political Code, relating to the assessment of vessels.

Bill having been read a third time, failed to pass by the following vote:

AYES—Messrs. Anderson, Glaseock, Harlan, Hill, Johnson, Johnston, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Wendell, and Zuck—15.

NOES—Messrs. Brown, Byrnes, Chase, Conger, Dickinson, Enos, George, Gorman, Hittell, Kane, Kelly, Neumann, Satterwhite, Sears, T aylor, and Watson—16.

Senate Bill No. 109—An Act to amend an Act entitled “An Act relating to children,” approved March thirtieth, eighteen hundred and seventy-eight.

Bill having been read a third time, it failed to pass by the following vote:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Conger, Davis, Enos, Harlan, Hittell, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, T aylor, and Wendell—19.

NOES—Messrs. Dickinson, George, Glaseock, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Watson, and Zuck—13.

Assembly Concurrent Resolution No. 9—Relative to report of Railroad Commissioners.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Byrnes, Carlock, Chase, Davis, Dickinson, George, Glaseock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, T aylor, Watson, Wendell, and Zuck—30.

NOES—None.

Title read and approved.

Senate Bill No. 193—An Act to protect railroad companies in the enjoyment of their franchises.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, George, Harlan, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Pardee, Pool, Ryan, Satterwhite, Sears, and Watson—23.

NOES—Messrs. Chase, Glaseock, Hill, Hittell, Lampson, Langford, Neumann, Nye, Rowell, Wendell, and West—11.

Title read and approved.

Senate Bill No. 128—An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction during the thirty-first fiscal year.

Mr. Johnson moved a call of the Senate.

Lost.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Byrnes, Carlock, Conger, Davis, Dickinson, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, West, and Zuck—23.

NOES—Messrs. Baker, Brown, Chase, Enos, George, Glaseock, Johnson, Lampson, Moreland, Rowell, and Wendell—11.

Title read and approved.

Senate Bill No. 129—An Act to provide for the payment of deficiencies in the appropriation “For payment for procuring and listing lands to the State by the United States,” for the twenty-fourth and twenty-fifth fiscal years.

Read third time, and on motion of Mr. Johnson passed temporarily on file.

Second Reading File now being in order. Mr. Johnson moved that the Senate continue consideration of the Third Reading File.

So ordered.

Senate Bill No. 91—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read third time.

Mr. Neumann moved that the bill be recommitted to the Committee on Corporations, with instructions to strike out the words "but not organized therein" in line three and section fourteen of printed bill. Also, strike out sections one, two, five, six, seven, eight, nine, ten, eleven, twelve, and thirteen. Also, to insert in line two, of section nineteen, after the word "shall," "within three months after the passage of this Act." Also, strike out all of section twenty-one and insert in lieu thereof the words "This Act shall take effect immediately."

Mr. Hittell moved to indefinitely postpone the bill.

Mr. Neumann withdrew his motion to recommit temporarily.

The question recurring on the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Hittell, Kane, and Pardee.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Chase, Conger, Enos, George, Gorman, Hittell, Kane, Nye, Pardee, Pool, Ryan, Satterwhite, and Watson—14.

NOES—Messrs. Anderson, Baker, Brown, Dickinson, Glascock, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Rowell, Sears, Wendell, West, and Zuck—20.

Lost.

The question now recurring on the motion to recommit, the ayes and noes were demanded by Messrs. Neumann, Byrnes, and Enos, and the roll was called, with the following result:

AYES—Messrs. Byrnes, Enos, George, Glascock, Gorman, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Ryan, Satterwhite, and Wendell—15.

NOES—Messrs. Anderson, Baker, Brown, Chase, Conger, Dickinson, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Pool, Rowell, Sears, Watson, West, and Zuck—18.

Lost.

Mr. Baker moved that the Senate do now adjourn.

Lost.

The question recurring on the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Dickinson, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Rowell, Sears, West, and Zuck—13.

NOES—Messrs. Brown, Byrnes, Chase, Conger, Enos, George, Glascock, Gorman, Hittell, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Watson, and Wendell—21.

The bill not having received the constitutional majority, was declared lost.

ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 4, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Goeman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORT OF COMMITTEES.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 4, 1881.

MR. PRESIDENT: The Committee on Public Buildings, to whom was referred Senate Bill No. 269—An Act to regulate the means of egress from public buildings—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BAKER, Chairman.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 4, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined Senate Bill No. 115—and report the same correctly engrossed.

Also, Senate Bill No. 30—An Act to amend section four hundred and twenty-seven of the Civil Code, concerning investments of the capital stock and funds of insurance companies.

Also, Senate Bill No. 92—An Act to provide buildings and improvements for the Institution for the Deaf and Dumb, and the Blind.

GEORGE, Chairman.

Mr. Traylor moved to take up Senate Joint Resolution No. 3, in relation to granting charter to the Nicaragua Maritime Canal Company.

So ordered.

Read second time, and ordered engrossed.

REPORTS OF COMMITTEES.

By Mr. Lampson:

MR. PRESIDENT: The Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 243—An Act establishing the California Institution for the Education of Feeble-Minded Children, and appropriating funds for its erection and maintenance—have had the same under consideration, and report it back without recommendation.

LAMPSON, Chairman.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, February 4, 1881.

MR. PRESIDENT: The Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 226—An Act to limit and fix the rates and price of gas in all cities within the State of California having a population of one hundred thousand inhabitants or more—have had the same under consideration, and recommend that it be referred to the Corporation Committee.

Also, Senate Bill No. 205—An Act to provide for the better protection of property against loss by fire in all the cities, towns, and places in the State wherein a fire department is now or may

hereafter be maintained—have had same under consideration, and recommend that it do not pass.

Also, Assembly Bill No. 73—An Act to amend sections one and two of an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities," approved April third, eighteen hundred and seventy-six—have had same under consideration, and recommend that it do not pass.

HITTELL, Chairman.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, February 4, 1881.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 215—An Act to amend sections two, four, and five of an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April fifteenth, eighteen hundred and eighty, so as to reduce the cost of said Board—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 220—An Act to compel savings and savings and loan corporations to dispose of the real estate acquired by foreclosure—and recommend that it do not pass.

Also, Senate Bill No. 274—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven, to prohibit the making of contracts to buy or sell grain or other commodities on a margin, to be delivered at a future day—and recommend that it do not pass.

Also, Senate Bill No. 290—An Act requiring societies or corporations paying benefits in case of disease of members, to report to the Insurance Commissioner—without recommendation.

Also, Assembly Bill No. 28—An Act to compel banks, savings and loan societies, and all and every kind of person, or persons, or corporations receiving moneys or other valuable property on deposit, or for safe keeping, to publish a sworn statement in certain cases—and recommend that it do not pass.

Also, Assembly Bill No. 31—An Act to amend section four hundred and fifteen of the Civil Code, in relation to the purchase and sale of real estate by insurance corporations—and recommend its passage.

Also, Assembly Bill No. 161—An Act to compel persons, companies, associations, or corporations whose business it is to supply water or gas for public or domestic use, to furnish meters at their own expense—and recommend that it do not pass.

SEARS, Chairman.

By Mr. Carlock:

SENATE CHAMBER, SACRAMENTO, February 3, 1881.

MR. PRESIDENT: The Committee on Fish and Game, to whom was recommitted Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to violations of the law for the preservation of fish—report the same back with a copy embracing the amendments, as per instructions of the Senate.

CARLOCK, Chairman.

Mr. Johnson moved to recommit to Judiciary Committee Senate Bill No. 261.

So ordered.

By Mr. Dickinson:

SENATE CHAMBER, SACRAMENTO, February 3, 1881.

MR. PRESIDENT: I beg leave to report back Senate Bill No. 150, amended as ordered on recommitment.

DICKINSON, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, February 3, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 234—An Act to provide for payment of rents for a hall for lectures for Hastings' College of the Law—have had the same under consideration, and report the same with amendments thereto, and recommend its passage as amended.

WENDELL, Chairman.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 4, 1881.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 30—Relative to providing for a manufacturing arsenal at Benicia, California—will respectfully report that they have had the same under consideration, and now report the same back, and recommend that it do pass.

BAKER, Chairman.

Mr. Wendell moved that Senate Concurrent Resolution No. 30 be taken up out of order.

So ordered.

Read second time, and ordered engrossed.

Mr. Hittell moved that Senate Bill No. 226, reported from Committee on City, City and County, and Town Governments, be referred to Committee on Corporations as per recommendation.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February third, eighteen hundred and eighty-one, adopted Senate Concurrent Resolution No. 2—Relative to a harbor of refuge at Trinidad, in this State.

Also, Assembly Concurrent Resolution No. 11—Relative to the grant of the lands of the sixteenth and thirty-sixth sections made to the State of California.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 11—As above, read first time, and referred to Committee on Federal Relations.

INTRODUCTION OF BILLS.

By Mr. Enos: Senate Bill No. 329—An Act to amend the law relating to persons of unsound mind.

Read first time, and referred to Judiciary Committee.

By Mr. Hittell: Senate Bill No. 330—An Act to amend section three thousand four hundred and fourteen of the Political Code, relating to public lands of this State.

Read first time, and referred to Judiciary Committee.

By Mr. Johnson: Senate Bill No. 331—An Act to provide for the payment of the claims against the State, accrued under the agreement between the State of California, by the Board of State Prison Directors, and Michael Miles, for the construction of the Folsom Branch State Prison, dated September first, A. D. eighteen hundred and seventy-four.

Read first time, and referred to Committee on Claims.

Also, Senate Bill No. 332—An Act to amend section three thousand four hundred and fifty-four of the Political Code, so as to confer further powers upon Boards of Trustees of reclamation districts.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

SPECIAL ORDERS.

Friday, February fourth, eighteen hundred and eighty-one, at ten o'clock and thirty minutes A. M.: Senate Bill No. 27—An Act to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Read second time.

Upon the question of engrossment, the ayes and noes were demanded by Messrs. Johnson, Baker, and Zuck.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Conger, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—30.

NOES—Messrs. Brown, Byrnes, Davis, Dickinson, George, and Nye—6.

Bill ordered engrossed.

President pro tem. in the chair.

Mr. Dickinson asked leave of absence, until Monday next, for Senator Neumann.

Upon which motion the ayes and noes were demanded by Messrs. Dickinson, Johnson, and Baker, and the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hudson, Kelly, Langford, Rowell, Wendell, and West—17.

NOES—Messrs. Baker, Chase, Dickinson, Hill, Hittell, Kane, Moreland, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, and Zuck—15.

Carried.

Mr. Cheney asked leave of absence for the balance of the day.

Granted.

SECOND READING OF BILLS.

Senate Bill No. 5—An Act to establish and support a Bureau of Labor and Land Statistics.

The bill having been read a second time, the question recurred upon the motion to strike out section eight.

Upon which the ayes and noes were demanded by Messrs. Pardee, West, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Baker, Harlan, Hittell, Johnson, Johnston, Kane, Moreland, Satterwhite, Traylor, and Zuck—10.

NOES—Messrs. Anderson, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hudson, Kelly, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, Wendell, and West—24.

Lost.

Mr. Wendell offered the following amendment: Amend section nine, by inserting, after the word "clerks," in line one, the words "not exceeding two."

Adopted.

Mr. Baker offered the following amendment: Amend by striking out section ten.

Upon which amendment the ayes and noes were demanded by Messrs. Baker, Davis, and Harlan.

The roll was called, with the following result:

AYES—Messrs. Baker, Brown, Dickinson, George, Harlan, Hittell, Johnston, Moreland, Satterwhite, Sears, Traylor, and Zuck—12.

NOES—Messrs. Anderson, Byrnes, Carlock, Chase, Conger, Davis, Enos, Glascock, Gorman, Hill, Hudson, Kane, Kelly, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Watson, Wendell, and West—22.

Lost.

The question recurring upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Baker, Chase, and Harlan, and the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Chase, Conger, Davis, Enos, Glascock, Gorman, Hill, Kane, Kelly, Nelson, Nye, Pardee, Pool, Ryan, Wendell, and West—19.

NOES—Messrs. Baker, Brown, Dickinson, George, Harlan, Hittell, Hudson, Johnston, Lampson, Moreland, Rowell, Satterwhite, Sears, Traylor, Watson, and Zuck—16.

Bill ordered engrossed.

Mr. Baker moved that Senate Bill No. 40 be advanced to head of Second Reading File.

So ordered.

Senate Bill No. 21—An Act to regulate the hours of labor on work done for the State.

Read second time, and ordered engrossed.

Senate Bill No. 6.

Passed on file.

Senate Bill No. 142.

Passed on file.

Senate Bill No. 55—An Act to prevent discrimination by gas companies in the State of California.

Mr. Traylor moved to recommit bill to Committee on Corporations.

So ordered.

Author asked leave to withdraw Senate Bill No. 211.

Granted.

Senate Bill No. 167.

Passed on file.

Author asked leave to withdraw Senate Bill No. 194.

Granted.

Senate Bill No. 241—An Act to establish a Branch State Normal School.

Read second time.

Pending consideration of the above bill, the following message from the Assembly was received and read:

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February third, eighteen hundred and eighty-one, refused first reading to Senate Bill No. 39—An Act to appropriate money for the support of aged and indigent women.

Also, that the Assembly on this day adopted Assembly Concurrent Resolution No. 17—Relative to employing steamers to patrol the river to rescue sufferers from the high water.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 17—As above, read and adopted.

President pro tem. appointed as such committee, provided for in foregoing resolution, on the part of the Senate, Messrs. Johnston, Glascock, and Harlan.

On motion of Mr. Johnston, indefinite leave of absence was granted to the committee.

Senator G. L. Johnson in the chair.

Senator William Johnston asked indefinite leave of absence.

Granted.

Mr. Johnston paired his vote on the pending bill with Senator Traylor.

Senate Bill No. 241 resumed.

Mr. Dickinson offered a substitute for the bill.

Mr. Satterwhite moved to lay the whole matter on the table until the return of Senator Baker.

Lost.

Mr. Hittell moved that the bill and substitute be indefinitely postponed.

The question being on the adoption of substitute of Mr. Dickinson, it was lost.

The question recurring on the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Hittell, Baker, and Chase, and the roll was called, with the following result :

AYES—Messrs. Dickinson, Hill, Hittell, Kelly, Langford, Moreland, Nelson, Pardee, Ryan, Satterwhite, Wendell, and Zuck—12.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Davis, Enos, George, Gorman, Johnson, Kane, Nye, Pool, Rowell, Watson, and West—17.

Lost.

Mr. Traylor stated he was paired with Mr. Johnston, Mr. Traylor voting aye, and Mr. Johnston no.

The question recurring on the engrossment of the bill, it was ordered engrossed.

RECESS.

The time having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 129—An Act to provide for the payment of deficiencies in the appropriation "for payment for procuring and listing lands to the State by the United States," for the twenty-fourth and twenty-fifth fiscal years.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, George, Gorman, Hill, Hittell, Hudson, Kelly, Lampson, Langford, Nye, Ryan, Sears, Traylor, Watson, and Zuck—21.

NOES—Messrs. Johnson, Kane, Moreland, Nelson, Pardee, Rowell, and Wendell—7.

Title read and approved.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Read third time, and passed on file.

Assembly Bill No. 75—An Act to authorize the several counties, cities and counties, cities, and towns of this State, and the officers, and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof.

Read third time.

Mr. Johnson moved that the Senate take a recess for one hour and thirty minutes.

So ordered.

REASSEMBLED.

The Senate reassembled at three o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck.

Quorum present.

REPORT OF COMMITTEE.

By Mr. Pardee (by leave):

SENATE CHAMBER, SACRAMENTO, February 4, 1881.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 318—An Act to enable San Diego County to pay San Bernardino County taxes collected upon an erroneous assessment of railroad property—have considered the same, and report it back with the recommendation that it do pass.

PARDEE, Chairman.

Assembly Bill No. 75, resumed.

The bill having been read a third time, was passed by the following vote:

AYES—MESSRS. Anderson, Brown, Byrnes, Carlock, Chase, Davis, Dickinson, Enos, George, Gorman, Hill, Hittell, Johnson, Kelly, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, and Zuck—24.

NOES—MESSRS. Kane, Moreland, and Nye—3.

Title read and approved.

Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and seventy-three, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

Read third time, and passed by the following vote:

AYES—MESSRS. Anderson, Baker, Brown, Byrnes, Conger, Davis, Dickinson, George, Gorman, Hill, Hittell, Johnson, Langford, Nelson, Pardee, Pool, Ryan, Sears, Traylor, Watson, Wendell, and Zuck—23.

NOES—MESSRS. Carlock, Chase, Kane, Moreland, Rowell, and Satterwhite—6.

Title read, and amended as follows:

Mr. Dickinson moved to amend the title by inserting between "one thousand nine hundred and forty-one" and "one thousand nine hundred and seventy-three," the number "one thousand nine hundred and sixty-two," and by inserting between "one thousand nine hundred and seventy-three" and "two thousand and eighteen" the number, "one thousand nine hundred and ninety."

So ordered.

Title as amended approved.

Senate Bill No. 185—An Act to amend an Act entitled "An Act in

relation to foreign corporations," approved April first, eighteen hundred and seventy-two.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Davis, Dickinson, Enos, George, Gorman, Hill, Hittell, Kane, Kelly, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and Zuck—26.

NOES—Messrs. Conger, Johnson, and Nelson—3.

Title read and approved.

Senate Bill No. 36—An Act to amend title two, of part four, of the Civil Code, and each and every section thereof, and to substitute a new title two, of part four, to take the place thereof in said Code, relating to mining corporations.

Read third time.

The hour for second reading of bills having arrived, Mr. Johnson moved that the third reading of bills be continued.

So ordered.

Senate Bill No. 36 resumed.

Mr. Dickinson moved to recommit the bill to the Judiciary Committee, with the following instructions: Strike out all of section five hundred and eighty-four after the word "hand," in line fifty-one of printed bill.

Lost.

The question recurring on the passage of the bill, the bill was passed by the following vote:

AYES—Messrs. Anderson, Byrnes, Carlock, Chase, Conger, Gorman, Hill, Hittell, Johnson, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pool, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—22.

NOES—Messrs. Brown, Enos, George, Pardee, Ryan, Traylor, and Watson—7.

Title read and approved.

Senate Bill No. 169—An Act relative to the publication of the statutes and joint and concurrent resolutions of the Legislature.

Read third time, and passed by the following vote:

AYES—Messrs. Brown, Byrnes, Carlock, Chase, Conger, Enos, George, Gorman, Hill, Hittell, Johnson, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—26.

NOES—Mr. Anderson—1.

Title read and approved.

Senate Bill No. 206—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real estate.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Conger, George, Hill, Hittell, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and West—21.

NOES—Messrs. Dickinson, Enos, Johnson, Kane, Ryan, and Traylor—6.

Title read and approved.

Senate Bill No. 33—An Act to prevent hunting and shooting on private inclosed grounds in the State of California.

Read third time, and failed to pass by the following vote:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, George, Hill, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—18.

NOES—Messrs. Anderson, Gorman, Hittell, Johnson, Kane, Lampson, Moreland, Nelson, and Rowell—9.

Mr. Johnson gave notice of a motion to reconsider the vote by which Senate Bill No. 33 failed to pass.

Senate Bill No. 257—An Act to provide a system of drainage for agricultural and swamp and overflowed lands.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—28.

NOES—Messrs. Glasecock and Kane—2.

Title read and approved.

Senate Bill No. 222.

Passed on file.

Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Read third time.

Mr. Sears offered the following: Recommit bill to the author, with instructions to amend as follows: Amend section one by adding thereto the following: "Provided, this Act shall not apply to estates now in course of administration."

So ordered.

Senate Bill No. 139.

Passed on file.

Senate Bill No. 120—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library.

Read third time, and failed to pass by the following vote:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, George, Hill, Hittell, Lampson, Pardee, Sears, Traylor, Watson, West, and Zuck—17.

NOES—Messrs. Anderson, Chase, Enos, Gorman, Johnson, Kane, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, and Wendell—15.

Mr. Johnson gave notice of motion to reconsider the vote by which Senate Bill No. 120 was lost.

Substitute for Senate Bills Nos. 162 and 163—An Act to regulate the granting of retail liquor license.

Passed on file.

Senate Bill No. 104—An Act to protect and promote the horticultural interests of the State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Davis, Dickinson, Harlan, Hill, Johnson, Kelly, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—22.

NOES—Messrs. Conger, Enos, George, Hittell, Kane, Lampson, Langford, Moreland, Ryan, and Traylor—10.

Title read and approved.

REPORTS OF COMMITTEES.

By Mr. Nye (by leave):

MR. PRESIDENT: I report that I have amended Senate Bill No. 239, as instructed, and herewith return the same.

STEPHEN G. NYE.

By Mr. Watson (by leave):

MR. PRESIDENT: The Committee on State Prison, to whom was recommittd Senate Bill No. 258—have had the same under consideration, and report a substitute for the same, and recommend its passage.

WATSON, Chairman.

Mr. Johnson gave notice that he would make a minority report to-morrow.

ADJOURNMENT.

At five o'clock p. m., on motion of Mr. Zuck, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, February 5, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Bart, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Wendell.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF COMMITTEES.

By Mr. Lampson:

SENATE CHAMBER, SACRAMENTO, February 5, 1881.

MR. PRESIDENT: The Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 240—"An Act to provide for the establishment of Boards of Health in counties of the first class, defining their powers and prescribing the officers and employees under such Boards"—have considered the same, and report it back without recommendation.

LAMPSON, Chairman.

By Mr. Dickinson:

SENATE CHAMBER, SACRAMENTO, February 5, 1881.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 296—have had the same under consideration, and report the same back and recommend its passage.

DICKINSON, Chairman.

INTRODUCTION OF BILLS.

By Mr. Johnson: Senate Bill No. 333—An Act to amend sections five hundred and ninety-six and six hundred and thirty-three of the Political Code, relating to life insurance.

Read first time, and referred to Committee on Corporations.

Also, Senate Bill No. 334—An Act to amend section four hundred and fifty of the Civil Code, and to add two new sections thereto, to be numbered four hundred and fifty-one and four hundred and fifty-two, relating to life insurance.

Read first time, and referred to Committee on Corporations.

Also, Senate Bill No. 335—An Act to provide for the compensation of the officers and persons performing duties, and incurring expense, under an Act to create a drainage district, to be called the Sacramento River Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties, approved April first, eighteen hundred and seventy-eight.

Read first time, and referred to Committee on Claims.

REPORTS OF STANDING COMMITTEES.

By Mr. Hudson (by leave):

SENATE CHAMBER, SACRAMENTO, February 5, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Concurrent Resolutions Nos. 2 and 24, and that the same were this day placed in the hands of the Governor, at ten o'clock and five minutes A. M.

HUDSON, Chairman.

By Mr. Davis (by leave):

SENATE CHAMBER, SACRAMENTO, February 5, 1881.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 264—have had the same under consideration, report the same back, and recommend its passage.

Also, Senate Bill No. 314, and recommend that it do not pass.

Also, Senate Bill No. 315, and recommend that it be indefinitely postponed.

DAVIS, Chairman.

By Mr. Traylor (by leave):

SENATE CHAMBER, SACRAMENTO, February 5, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 247—An Act making an appropriation for official advertising for the thirty-first fiscal year—have had the same under consideration, and report back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 303—An Act to appropriate the sum of sixty-eight dollars and forty-five cents to pay the deficiency in the appropriation for furniture and repairs of the State Capitol for the thirtieth fiscal year, in relation to the claim of Laufkotter Brothers—report back, and recommend its passage.

TRAYLOR, Chairman.

Mr. Johnson moved that the road law be placed second, and revenue bills—Senate Bills Nos. 196 and 197—be placed third on Second Reading File.

So ordered.

INTRODUCTION OF BILLS.

By Mr. Langford (by leave): Senate Joint Resolution No. 4—Relative to improvement of the navigable stream known as the Mokelumne River.

Read first time, and referred to Committee on Federal Relations.

SECOND READING OF BILLS.

Senate Bill No. 40.

Passed on file.

Senate Bill No. 6.

Passed on file.

Senate Bill No. 142.

Passed on file.

Senate Bill No. 167.

Passed on file.

Senate Bill No. 11—An Act to appropriate moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State, in preparing bills adapting the Codes to the Constitution.

Read second time.

Mr. Conger offered the following amendment: Strike out in section one, line two, words "thirty-seven hundred and fifty," and insert words "twenty-four hundred;" and, in line three, strike out words "twelve hundred and fifty," and insert words "eight hundred."

Upon which amendment the ayes and noes were demanded by Messrs. Zuck, Johnson, and Sears, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, George, Glascock, Hudson, Lampson, Langford, Moreland, Nelson, Rowell, and Satterwhite—17.

NOES—Messrs. Burt, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Johnson, Kelly, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—19.

Amendment lost.

The question recurring on the engrossment of the bill, the ayes and noes were demanded by Messrs. Johnson, Nelson, and Pardee, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnson, Kelly, Lampson, Nelson, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, and West—26.

NOES—Messrs. Baker, Chase, Hill, Kane, Langford, Moreland, Nye, Rowell, Sears, Wendell, and West—11.

Bill ordered engrossed.

RESOLUTION.

By Mr. Zuck (by leave):

Resolved, That the State Printer is hereby authorized to print two hundred and forty additional copies of committee substitute for Senate Bills Nos. 94, 146, and 147.

Adopted.

Senate Bill No. 12—An Act to create a fund in the several counties of this State for the payment of the salaries of the Superior Judges.

Substitute of committee read and adopted.

Bill ordered engrossed.

Senate Bill No. 127—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol, and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years.

Read second time, and ordered engrossed.

Senate Bill No. 270—An Act to provide for the payment of the Controller's warrants outstanding against certain swamp land districts of this State.

Mr. Johnson moved to recommit bill to Committee on Claims, with instructions to report on Monday morning next, and the bill to retain its place on the file.

So ordered.

Senate Bill No. 245—An Act to amend section five hundred and twenty-eight of the Political Code, relating to the duties of State Printer.

Read second time.

Amendments of committee adopted.

Mr. Nye moved to amend line four of printed bill, page one, after "copies," insert "to be deposited with the Secretary of State."

Amendment adopted, and bill ordered engrossed.

Senate Concurrent Resolution No. 15—Relative to the establishment of a branch department of the Dead Letter Office at San Francisco Post Office.

Read second time, and ordered engrossed.

Senate Concurrent Resolution No. 22—Relative to the erection of a Post Office for the City of San Francisco.

Read second time, and ordered engrossed.

Senate Concurrent Resolution No. 19—Relating to the war between Chili and Peru.

Read second time, and refused engrossment.

Assembly Concurrent Resolution No. 5—Relative to protecting adopted citizens who are natives of Costa Rica.

Read second time, and refused a third reading.

Mr. Johnson now moved to reconsider the vote by which Assembly Bill No. 120 was lost.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Pardee, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Lampson, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Chase, Enos, Glascock, Gorman, Harlan, Kelly, Langford, Moreland, Pool, Ryan, and Satterwhite—12.

Vote reconsidered.

Mr. Johnson moved that the bill be made the special order for Monday next, at two o'clock P. M.

So ordered.

Mr. Johnson moved that the reconsideration of the vote by which Senate Bill No. 33 was lost, be made the special order for Tuesday next, at two o'clock P. M.

So ordered.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 5, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report as correctly engrossed the following Senate bills, viz.:

Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to violations of the law for the preservation of fish.

Also, Senate Bill No. 150—An Act to amend sections fifteen and sixty-six of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Also, Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy-three, one thousand nine hundred and ninety, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

Also, Senate Joint Resolution No. 3—Relative to granting charter to Nicaragua Inter-Oceanic Canal Company.

Also, Senate Concurrent Resolution No. 30—Relative to providing for a manufacturing arsenal at Benicia, California.

Also, Senate Bill No. 27—An Act to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Also, Senate Bill No. 5—An Act to establish and support a Bureau of Labor and Land Statistics.

Also, Senate Bill No. 21—An Act to regulate the hours of labor on work done for the State.
Also, Senate Bill No. 241—An Act to establish a Branch State Normal School.

GEORGE, Chairman.

Senate Concurrent Resolution No. 6.

Passed on file.

Senate Bill No. 32—An Act concerning the medical department of the University of California.

Read second time.

Mr. Rowell moved to indefinitely postpone the bill.

Upon which motion the ayes and noes were demanded by Messrs. Rowell, Pardee, and Sears, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, Dickinson, Harlan, Hill, Hittell, Lampson, Pardee, Rowell, Sears, Traylor, and Zuck—15.

NOES—Messrs. Carlock, Cheney, Davis, Enos, George, Glascock, Gorman, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Nye, Pool, Ryan, Satterwhite, Watson, Wendell, and West—20.

Motion lost.

Bill ordered engrossed.

RECESS.

The time having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Sears asked that Senate Bill No. 27 be now taken up as the first bill in order before the Senate, under the resolution offered by Mr. Satterwhite, and adopted by the Senate, February second, eighteen hundred and eighty-one.

Mr. Nye called for the decision of the Chair.

The Chair ruled that the point of order raised by Mr. Sears was well taken.

Mr. Johnson appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair be the judgment of the Senate?" the ayes and noes were demanded by Messrs. Johnson, Enos, and Zuck.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—32.

NOES—Messrs. Burt, Cheney, George, Johnson, Traylor, and Watson—6.

Ruling of the Chair sustained.

THIRD READING OF BILLS.

Senate Bill No. 27—An Act to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Read third time.

Mr. Wendell moved that the pending bill be made the special order for Monday next, immediately after the reading of the Journal, and that said order be continued in force until said bill is disposed of, to the exclusion of all other business.

Upon which motion the ayes and noes were demanded by Messrs. Brown, Baker, and Watson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—Messrs. Kane, Nye, and Pardee—3.

So ordered.

ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., on motion of Mr. Brown, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 7, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

Senator Brown in the chair.

SPECIAL ORDER FOR THIS HOUR.

Senate Bill No. 27—An Act to repeal an Act entitled an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty.

The question recurring upon the passage of the bill, Mr. Johnson offered the following:

MR. PRESIDENT: I move to recommend Senate Bill No. 27 to the author, with special instructions to amend it by striking out section two and inserting in lieu thereof as follows: "Section 2. This Act shall take effect on the first day of April, eighteen hundred and eighty-three."

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Burt, Brown, Carlock, Cheney, Davis, George, Johnson, and Watson—8.
 NOES—Messrs. Anderson, Baker, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—27.

Lost.

Mr. Johnson offered the following:

MR. PRESIDENT: I move to recommend Senate Bill No. 27 to the author, with special instructions to amend it by striking out section two and inserting in lieu thereof, as follows: "Section 2. This Act shall take effect on the first day of April, eighteen hundred and eighty-two."

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Burt, Brown, Carlock, Cheney, Davis, George, Johnson, Lampson, and Watson—9.
 NOES—Messrs. Anderson, Baker, Byrnes, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—29.

Lost.

Mr. Johnson offered the following:

MR. PRESIDENT: I move to recommend Senate Bill No. 27 to the author, with special instructions to amend the bill by adding to section one as follows: "And the Act entitled 'An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers,' approved March twenty-ninth, eighteen hundred and seventy-eight, is hereby repealed." And also amend the title to correspond with said amendment.

Mr. Sears raised the point of order, that the amendment just offered was not relevant to the bill under consideration.

The President ruled the point of order well taken, and the amendment out of order.

Mr. Johnson appealed from the decision of the Chair.

The question being upon sustaining the decision of the Chair, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—32.

NOES—Messrs. Burt, Cheney, George, Johnson, and Watson—5.

Decision sustained.

President Mansfield in the chair.

Mr. Johnson offered the following:

MR. PRESIDENT: I move to recommend Senate Bill No. 27 to the author, with special instructions to amend the bill by adding to section one, as follows: "and the Directors of Drainage District No. 1 are hereby directed to turn over to the Governor all books, papers, documents, and property of every character in their possession, or under their control, and the Board of Examiners are directed to carefully examine the books and outstanding accounts and unfinished contracts of said Directors, and said district, and to close the same to the best advantage of the State, and to draw warrants for all sums found due by them to the contractors in said district, and the Treasurer is hereby directed to pay said warrants to an amount not exceeding one hundred and sixty thousand dollars."

Mr. Sears raised the same point of order as before.

Point of order sustained by the President.

Mr. Johnson appealed from the decision of the Chair.

Mr. Sears asked to withdraw his point of order.

Mr. Johnson objected to its withdrawal.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

RECESS.

Pending its consideration, the hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 5, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report as correctly engrossed the following Senate bills, viz.:

Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure—relating to the compensation of executors and administrators.

Also, Senate Bill No. 11—An Act to apportion moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State in preparing bills adapting the Codes to the Constitution.

Also, Senate Bill No. 127—An Act to provide for the deficiencies in the appropriations for repairs to the State Capitol, and furniture, and purchase of carpets during the thirty-first and thirty-second years.

Also, Senate Concurrent Resolution No. 15—Relative to instructing our Representatives in Congress to secure a branch department of the Dead Letter Office in San Francisco.

Also, Senate Concurrent Resolution No. 22—Relative to the erection of a Post Office for the City of San Francisco.

Also, Senate Bill No. 32—An Act concerning the medical department of the University of California.

GEORGE, Chairman.

The question recurred upon sustaining the decision of the Chair.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Kelly, Lampson, Langford, Pardee, Rowell, Sears, West, and Zuck—19.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Cheney, Davis, Dickinson, George, Hittell, Johnson, Moreland, Nelson, Neumann, Pool, Ryan, Satterwhite, Traylor, Watson, and Wendell—19.

Decision declared sustained.

Mr. Johnson offered the following:

MR. PRESIDENT: I move to recommit Senate Bill No. 27 to the author, with special instructions to amend the bill by adding to section one as follows: "And the Board of Directors of Drainage District Number One, which was organized under said Act hereby repealed, shall immediately upon the passage of this Act turn over and transfer to the Governor all books, papers, accounts, and property of every character in their possession or under their control, belonging or appertaining to said district."

And amend the title to correspond with this amendment.

Upon which the ayes and noes were demanded by Messrs. Zuck, Hittell, and Enos, and the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Johnson, Nelson, Neumann, Ryan, Traylor, and Watson—13.

NOES—Messrs. Anderson, Baker, Byrnes, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—26.

Amendment lost.

Mr. Johnson offered the following:

MR. PRESIDENT: I move to recommit Senate Bill No. 27 to the author, with special instructions to amend the bill by inserting a new section, to be numbered section two, and to read as follows:

SEC. 2. Every person, as well as every person who in behalf of any other person, or as the manager, agent, or employé of any person or corporation who runs or deposits, or who procures or suffers to be run or deposited into the bed or channel of any river in this State, or any branch thereof, any of the tailings or debris from any mine in this State, worked by what is called the hydraulic process, is hereby declared guilty of misdemeanor: *provided*, nothing in this Act shall be construed to prohibit the owners of such mines from acquiring various gulches and flats adjacent to such river, or their branches, and thereon depositing such tailings and debris: *provided, further*, that by means of dams, or other obstructions, they confine such tailings and debris therein, and do not allow or suffer them to run, or eventually flow into any of the aforesaid river channels or their branches. In addition to the remedy given by this section, violation of this Act may be prevented by injunction, at the instance of the State, or any county therein, or at the instance of any taxpayer of this State.

And renumber section two as section three, and amend the title to correspond with this amendment.

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Davis and Johnson—2.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

Lost.

Mr. Johnson offered the following:

MR. PRESIDENT: I move to recommit Senate Bill No. 27 to the author, with special instructions to amend the bill by striking out section two, and inserting in lieu thereof as follows:

SEC. 2. Every person or corporation injured in any manner by the flow of tailings or debris from the mines may maintain an action for damages jointly against all persons and corporations contributing to such injury.

SEC. 3. This Act shall be in force from and after its passage.

And amend the title to correspond with this amendment.

Upon which the roll was called, with the following result:

AYES—Messrs. Davis and Johnson—2.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

Lost.

Mr. Johnson offered the following:

MR. PRESIDENT: I move to recommit Senate Bill No. 27 to the author, with special instructions to amend the bill by striking out section two, and inserting in lieu thereof as follows:

SEC. 2. Every person who runs, or permits to run, from any mine, tailings or debris upon the land of another, is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of five hundred dollars, and by imprisonment in the County Jail for six months.

SEC. 3. The offense shall be deemed to have been committed in the county where the lands are situated upon which the tailings have been run or permitted to run.

SEC. 4. This Act shall be in force from and after its passage.

And amend the title to correspond with this amendment.

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Davis and Johnson—2.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

Lost.

Mr. Johnson offered the following:

MR. PRESIDENT: I move to recommit Senate Bill No. 27 to the author, with special instructions to amend the bill by striking out section two and inserting in lieu thereof:

SEC. 2. In any action for any injury to lands or possession from the flow of tailings or debris from the mines, the plaintiff may unite as defendants all persons or corporations who have contributed to such injury, and the action shall be tried in the county where the injury is sustained.

SEC. 3. This Act shall be in force from and after its passage.

And amend the title to correspond with this amendment.

Upon which the roll was called, with the following result:

AYES—Messrs. Davis and Johnson.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

Lost.

Mr. Johnson moved that the special orders set for this afternoon be continued in their present order.

Carried.

Senator Brown in the chair.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 8, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

SPECIAL ORDER FOR THIS HOUR.

Senate Bill No. 27—An Act to repeal an Act entitled an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty.

The question recurred upon the passage of the bill.

Pending consideration thereof, the hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M..

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

INTRODUCTION OF BILLS.

By Mr. Zuck (by unanimous leave): Senate Bill No. 336—An Act to provide a contingent fund for the Legislature.

Read first time, and ordered to head of Second Reading File.

Mr. Wendell moved that the special orders, set for this afternoon, be continued in their present order.

Carried.

Consideration of Senate Bill No. 27 resumed.

President pro tem. Johnston in the chair.

The question recurring upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—34.

NOES—Messrs. Burt, Cheney, Davis, George, Nye, and Watson—6.

Bill passed.

Title read and approved.

Mr. Johnson gave notice of motion to reconsider the vote by which Senate Bill No. 27 was passed.

ADJOURNMENT.

At five o'clock and fifty minutes P. M., on motion of Mr. Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,)
 Wednesday, February 9, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lamson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

PETITION.

By Mr. Carlock: Petition from residents of Shasta, Lassen, and Modoc Counties, to appropriate five thousand dollars for the purpose of the improvement of Pit River, Shasta County, California.

Read, and referred to Committee on Fish and Game.

REPORTS OF COMMITTEES.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, February 7, 1881.

MR. PRESIDENT: The Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 105—"An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction"—have had the same under consideration, and report the same back with a substitute therefor, and recommend that the substitute be adopted and that the same do pass.

HITTELL, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, February 7, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 15—An Act to amend sections eight hundred and forty-nine, eight hundred and sixty-eight, and nine hundred and two of the Code of Civil Procedure, concerning proceedings in Justices' Courts—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 106—An Act to repeal sections two, three, four, five, and six of an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight—with amendments, and recommend its passage as amended.

Also, Senate Concurrent Resolution No. 26—In relation to amending section thirteen of the Constitution of the State of California—and recommend its passage.

Also, Senate Bill No. 327—An Act to amend section one thousand five hundred and forty-seven of the Penal Code—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 253—An Act to amend section one thousand one hundred and seventy-three of the Penal Code, relating to exceptions taken by defendants in criminal cases—and recommend its passage.

Also, Senate Bill No. 330—An Act to amend section three thousand four hundred and fourteen of the Political Code, relating to public lands of this State—and recommend its passage.

Also, Assembly Bill No. 173—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to proceeding in Court on the adoption of a child—and recommend its passage.

Also, Senate Bill No. 301—An Act to secure to all persons freedom in the selection of an occupation, profession, or employment—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 308—An Act to prevent frivolous and stale bills and claims from being introduced in either branch of the Legislature—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 230—An Act to add a new section to the Penal Code, to be known as section three hundred and eight, relating to female exhibitions—and recommend its passage.

Also, Senate Bill No. 231—An Act to amend section three hundred and seven of the Penal Code, relative to procuring female exhibitions—and recommend its passage.

Also, Senate Bill No. 164—An Act to establish a simple and inexpensive system of procedure in civil cases—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 267—An Act to amend section six hundred and ninety of the Code of Civil Procedure of the State of California, concerning property exempt from execution—and recommend its passage.

Also, Senate Bill No. 306—An Act to diminish the number of Judges of the Superior Court of the County of Mono in certain contingencies, with amendments—and recommend its passage as amended.

Also, Senate Bill No. 275—And recommend that it do not pass, for the reason that its object is substantially effected by the provisions of section four of an Act relating to children, approved March thirtieth, eighteen hundred and seventy-eight.

WENDELL, Chairman.

By Mr. Lampson:

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: The Committee on State Hospitals, to whom was referred Senate Bill No. 292—An Act to regulate the practice of pharmacy, and the sale of medicines and poisons, to provide for the inspection of drugs and medicines, and to punish the adulteration of the same—have had the same under consideration, and report it back without recommendation.

LAMPSON, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 307—An Act to pay the claims of Duncan Beaumont and E. Twitchell, for services rendered in compiling statements of the condition of swamp land districts, for which Controller's warrants are outstanding—have had the same under consideration, report it back, and recommend that the same do pass.

TRAYLOR, Chairman.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debris, having had under consideration Assembly Bill No. 197—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in time of scarcity—report the same back and recommend its passage.

Also, Senate Bill No. 319—An Act to prevent the filling up of the streams, rivers, and bays of the State with the tailings and debris from hydraulic mines—and report the same back and a majority recommend its passage.

Also, Senate Bill No. 312—An Act to repeal an Act entitled an Act to provide a system of irrigation, and promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers, approved March twenty-ninth, eighteen hundred and seventy-eight—and report the same back, and a majority recommend its passage as amended by your committee.

Also, Senate Bill No. 320—An Act in relation to the parties to and place of trial in actions for injuries arising from tailings and debris from the mines—and a majority recommend that it be indefinitely postponed, and a minority recommend an amendment thereto and its passage as amended.

Also, Senate Bill No. 321—An Act to prevent running of tailings upon land of another—and a majority recommend its indefinite postponement.

Also, Senate Bill No. 322—An Act relative to parties in action to recover damages from injuries from flow of tailings—and a majority recommend its indefinite postponement.

JOHNSON, Chairman.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, respectfully reports that Senate Bill No. 164—An Act to provide a simple and inexpensive system of procedure in civil cases—should pass; and recognizing, for the reasons herein stated, the unfitness of a body composed wholly of professional lawyers to pass upon the bill, the minority recommends that the bill be referred to the Senate for consideration in Committee of the Whole.

To illustrate the unfitness of a body composed wholly of lawyers to pass upon the bill in question, let it be imagined that prior to the invention of the sewing machine the law had forbidden all persons to do any sewing except licensed seamstresses, and that all sewing should be performed by hand, and that then the sewing machine had been invented. Had it then been

referred to a body of licensed seamstresses to determine whether or not it should be made lawful for persons to use the sewing machine, is it not palpable that such a body would, with unflinching unanimity, have decided against it? Senate Bill No. 164 is to the present practice and procedure in civil cases what the sewing machine was to hand sewing, and as certainly as a body of licensed seamstresses would have resisted the introduction of the sewing machine, so assuredly must a body of licensed lawyers resist the introduction of an improved legal machine. It is not that the lawyers are one whit behind any other class in desire for the public weal, but their entire course of education and experience induces a professional and mental bias which render them incapable of appreciating the immense superiority of the system provided in Senate Bill No. 164 over that in which their reputation and clientele have been acquired. It is then to the educated intelligence of the people that reference must be made on questions involving principles of the *science* of legislation, though this educated intelligence (represented in the Legislature) needs the aid of the lawyer, skilled in the *art* of law making, and it is this reference that the minority urges in recommending the consideration of Senate Bill No. 164 to the honorable Senate in Committee of the Whole. The minority calls the attention of the Senate to the startling contrast, which by section eleven of the petition to the honorable Senate of Mr. Montague R. Levenson, a lawyer of more than a quarter of a century's experience, is stated to exist between the number of lawyers required in London, and New York, and elsewhere under English and English derived systems, and the number required in Paris, Berlin, and other places where a system somewhat similar to that provided by Senate Bill No. 164 is said to prevail, and Mr. Levenson in his statement to the Judiciary Committee declared he had *under* and not *over* stated the contrast. It is undeniably true that the expense, vexation and delay which exist under the present system are intolerable evils, one of whose chiefest mischiefs perhaps is the demoralizing effect which it produces on a community having presented to it the daily prospect of fraud and wrong-doing rewarded, and rendered victorious by aid of the law, or rather of the legal procedure, *provided the wrong-doer be rich or influential*. The minority therefore confidently urges upon the Senate to consider the Bill No. 164 in Committee of the Whole. Every objection which can be raised to it disappears on the bill being considered as a whole, while the fact that proceeding under it is rendered optional with the suitor, removes every shadow of objection to its adoption *as an experiment*: those who oppose its optional adoption, as an experiment, thereby confess that they are afraid of the system provided by this bill driving out the present system, by the operation of the principle of "the survival of the fittest," while the advocates of its optional adoption as plainly prove that they have no fear as to the result under the free operation of that same principle. An objection has been made that this bill would increase the expense of the judicial establishment of the State. This is an error which arises from not considering the measure as a whole: it is the confident belief of the minority of the committee that the expense thrown upon the State would be sensibly diminished, though at first there might be a slight increase, owing to the enormous amount of wrong at present left without any attempt at redress, by reason of the greater evils of the expense, vexation, delay, and uncertainty attending the seeking for it! But if this should prove to be the case, what more fearful censure of the present system could be made by those who most earnestly condemn it, than that the law is so powerless to redress the evils it pretends to cure, that the sufferers prefer to suffer rather than seek the "will o' the wisp" of redress deceitfully offered by the law! The minority therefore recommends that Senate Bill No. 164 do pass, and be considered by the Senate in Committee of the Whole.

JOHN S. ENOS, Minority of Committee.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 7, 1881. }

To the Senate of the State of California:

I herewith transmit to your honorable body the report of the State Board of Agriculture for eighteen hundred and eighty.

GEORGE C. PERKINS, Governor.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February fifth, eighteen hundred and eighty-one, passed Assembly Bill No. 56—An Act to amend an Act entitled "An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California."

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 56—As above, read first time, and referred to Committee on Education.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February seventh, eighteen hundred and eighty-one, adopted Senate Concurrent Resolution No. 5—Relative

to instructing Senators and Congressmen to procure appropriations from General Government to improve certain rivers.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February seventh, eighteen hundred and eighty-one, amended, and on February eighth, eighteen hundred and eighty-one, passed, as amended, Senate Bill No. 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

G. E. McSTAY, Chief Clerk.

Upon the adoption of the amendments, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—36.

NOES—Messrs. Hill and Zuck—2.

Amendments concurred in.

INTRODUCTION OF BILLS.

By Mr. Byrnes: Senate Bill No. 337—An Act to protect the people of the State against the danger of temporary or emotional insanity. Read first time, and referred to Judiciary Committee.

By Mr. Chase: Senate Bill No. 338—An Act to permit the voters of every county, city, town, or township in this State to vote on and thereby determine the question of granting license to sell intoxicating liquors within its limits.

Read first time, and referred to Judiciary Committee.

By Mr. Neumann: Senate Concurrent Resolution No. 32—Relative to protecting adopted citizens who are natives of Costa Rica.

Read first time, and referred to Committee on Federal Relations.

By Mr. Carlock: Senate Bill No. 339—An Act to provide for removing obstructions in Pit River, between Pitville, Shasta County, and Thompson's Bridge, in Big Valley, Lassen County, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries.

Read first time, and referred to Committee on Fish and Game.

Mr. Johnson now moved that the vote by which Senate Bill No. 27 was passed be reconsidered.

Mr. Hill moved that said motion be laid upon the table.

Upon which the ayes and noes were demanded by Messrs. Johnson, Baker, and Byrnes, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—27.

NOES—Messrs. Burt, Brown, Cheney, Davis, George, Gorman, Johnson, Nye, Pool, Ryan, Traylor, and Watson—12.

Carried.

RESOLUTION.

By Mr. Hill:

Resolved, That the Secretary of the Senate be and he is hereby instructed to transmit Senate Bill No. 27 to the Assembly, immediately on the meeting of that body to-day.

Adopted.

REPORTS OF COMMITTEES.

By Mr. West (by leave):

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 82—An Act to restrict and limit titles to real estate—have had the same under consideration, and report the same back without recommendation.

Also, Senate Bill No. 14—An Act to provide for the protection of sheep and other domestic animals—and recommend that the author have leave to withdraw the same, for the reason that its provisions are now the law, as shown in sections fifteen thousand eight hundred and fifty-five and fifteen thousand eight hundred and fifty-six, Hittell's Codes.

Also, Senate Bill No. 244—An Act to establish a State Farming School for the protection of boys, residents of this State—and recommend that it be referred to the Committee on State Prisons.

Also, Senate Bill No. 249—An Act relating to the keeping of cows for the production of milk fed on unwholesome food—and recommend its passage.

Also, Senate Bill No. 300—An Act to prevent land monopoly—and recommend that its author have leave to withdraw the same.

Also, Assembly Bill No. 123—An Act to encourage the destruction of coyotes in the different counties of the State, and authorize the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same—and recommend that its title be amended, and that the bill pass as amended.

Also, Senate Concurrent Resolution No. 28—Relative to present revenue laws of the United States—and recommend its passage.

WEST, Chairman.

By Mr. Baker (by leave):

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 4, relative to improvement of the navigable stream known as the Mokelumne River, would respectfully report that they have considered the same, and report the same back and recommend that it do pass.

BAKER, Chairman.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report as correctly engrossed the following Senate bills, viz.:

Senate Bill No. 12—An Act to create a fund in the several counties of this State, for payment of the salary of the Superior Judges.

Also, Senate Bill No. 245—An Act to amend section five hundred and twenty-eight of the Political Code, relating to the duties of State Printer.

GEORGE, Chairman.

RESIGNATION.

SACRAMENTO, February 9, 1881.

Hon. John Mansfield, President of the Senate:

I hereby tender my resignation as Secretary of the Senate.

Yours,

M. D. BORUCK.

RESOLUTION.

By Mr. Traylor:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to appoint a Committee-Porter, at a per diem of four dollars, payable out of the appropriation for the contingent expenses of the Senate.

Read, and referred to Committee on Contingent Expenses.

SECOND READING OF BILLS.

Senate Bill No. 336—An Act to provide a contingent fund for the Legislature.

Read second time, and ordered engrossed.

Senate Bill No. 16—An Act to govern the practice of medicine in the State of California, and defining who are legal physicians and surgeons.

Bill read second time.

The question recurred upon the engrossment of the bill.

The ayes and noes were demanded by Messrs. Hill, Hudson, and Johnson.

The roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Chase, Cheney, Dickinson, George, Hill, Hudson, Johnson, Kane, Langford, Nelson, Nye, Pool, Ryan, Traylor, Watson, Wendell, and West—20.

NOES—Messrs. Anderson, Burt, Conger, Davis, Glasecock, Gorman, Harlan, Hittell, Johnston, Kelly, Lampson, Moreland, Pardee, Rowell, Satterwhite, Sears, and Zuck—17.

Bill ordered engrossed.

RECESS.

At twelve o'clock M. Mr. Ryan moved that the Senate take a recess until two o'clock P. M.

Carried.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

REPORT OF COMMITTEE.

By Mr. Hittell (by leave):

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 271—An Act to add a new section to the Civil Code, to be known as section six hundred and fifteen, relating to cemetery corporations—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

THEODORE H. HITTELL,
For the Committee.

Mr. Johnson arose to a question of privilege.

SPECIAL ORDERS.

Wednesday, February ninth, eighteen hundred and eighty-one, at two o'clock P. M.: Senate Bill No. 120—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library.

The bill having been read a third time, the question recurred upon its passage.

Mr. Johnson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck.

All present except Senators Watson and Johnston.

The Sergeant-at-Arms presented Senators Johnston and Watson at the bar of the Senate. On motion, they were excused by the Senate.

Mr. Johnson moved that further proceedings under the call be dispensed with.

Carried.

Senate Bill No. 120 resumed.

The question recurring upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Pardee, Sears, Traylor, Watson, West, and Zuck—23.

NOES—Messrs. Anderson, Chase, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, and Wendell—16.

Bill passed.

Title read and approved.

Wednesday, February ninth, at two o'clock P. M., motion to reconsider by Mr. Johnson: Senate Bill No. 33—An Act to prevent hunting and shooting on private inclosed grounds in the State of California.

The question recurring upon the motion to reconsider the vote by which Senate Bill No. 33 was lost, the ayes and noes were demanded by Messrs. Johnson, Conger, and Davis, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hudson, Johnson, Johnston, Langford, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—25.

NOES—Messrs. Anderson, Burt, Chase, Cheney, Glascock, Gorman, Hittell, Kane, Kelly, Lampson, Moreland, Nelson, Rowell, Sears, and Watson—15.

Motion carried.

The question recurring upon the passage of the bill, Mr. Hittell moved to recommit the bill, with instructions to strike out the words "or occupied by," in lines four and five of printed bill.

Lost.

The question recurred upon the passage of the bill, and the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hudson, Johnson, Johnston, Langford, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—26.

NOES—Messrs. Anderson, Burt, Brown, Cheney, Glascock, Gorman, Hittell, Kane, Lampson, Moreland, Nelson, Rowell, and Watson—13.

Bill passed.

Title read and approved.

REPORT OF COMMITTEE.

By Mr. Baker (by leave):

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 32—Relative to protecting adopted citizens who are natives of Costa Rica—have had the same under consideration, report back, and recommend its adoption.

BAKER, Chairman.

By Mr. Pardee (by leave):

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 302—An Act to appropriate forty thousand dollars for the publication and purchase of the unpublished geological survey of the State, a majority of the committee, Senators Johnson, Ryan, Brown, and Carlock, recommend that it do pass. The minority, Senators Conger, Davis, and Pardee, that it do not pass.

PARDEE, Chairman.

By Mr. Hudson (by leave):

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 178, and that the same has this day been placed in the hands of the Governor, at two o'clock P. M.

HUDSON, Chairman.

INTRODUCTION OF BILLS.

By Mr. Glascock (by leave): Senate Bill No. 340—An Act to add a new section to the Penal Code of the State of California, to be known as section six hundred and ninety, relating to the reimbursement of attorneys for money necessarily expended by them in the defense of indigent persons charged with crime, when such attorneys have been appointed by the Court.

Read first time, and referred to Judiciary Committee.

THIRD READING.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Bill read third time.

Mr. Ryan moved to recommit bill with the following instructions: Amend section one by adding thereto the following: "*And provided further*, that the limitations herein provided for shall not apply to corporations formed, or to be formed, under section six hundred and two of the Civil Code, where the land is held or used for churches, hospitals, schools, colleges, orphan asylums, parsonages, or cemetery purposes.

So ordered.

Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—None.

Title read and approved.

Senate Bill No. 139—An Act to confer powers upon the Supervisors, or other governing bodies of counties, or cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Moreland, Neumann, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—29.

NOES—Messrs. Gorman, Kelly, Lampson, and Nelson—4.

Title read and approved.

Special order for Wednesday, February ninth, at three o'clock P. M.: Senate Bill No. 34—An Act to amend section seven hundred and twenty-six of an Act to establish a Code of Civil Procedure, relating to the foreclosure of mortgages.

Read second time.

Mr. Wendell moved that the bill be indefinitely postponed.

Upon which motion the ayes and noes were demanded by Messrs. Chase, Hittell, and Enos, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hittell, Langford, Moreland, Neumann, Nye, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, and Wendell—24.

NOES—Messrs. Baker, Chase, Enos, Gorman, Hill, Hudson, Johnson, Kane, Kelly, Nelson, Pardee, Ryan, and West—13.

Carried.

Substitute for Senate Bills No. 162 and 168—An Act to regulate the granting of retail liquor license.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Sears, Wendell, and West—24.

NOES—Messrs. Byrnes, Dickinson, Enos, Hittell, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Traylor, and Watson—12.

Title read and approved.

Senate Bill No. 115—An Act amending an Act declaring Islais Creek a navigable stream, approved March twenty-sixth, eighteen hundred and sixty-eight.

Read third time.

Mr. Dickinson moved that the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Neumann, Hittell, and Enos, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Conger, Davis, Dickinson, George, Hittell, Kelly, Lampson, Neumann, Nye, Pardee, Pool, Rowell, Traylor, and Wendell—17.

NOES—Messrs. Anderson, Chase, Cheney, Enos, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Moreland, Nelson, Ryan, Satterwhite, Sears, Watson, West, and Zuck—18.

Lost.

The question recurring upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Gorman, Harlan, Hill, Hudson, Kane, Lampson, Moreland, Nelson, Pool, Ryan, Satterwhite, Watson, West, and Zuck—17.

NOES—Messrs. Baker, Byrnes, Cheney, Conger, Davis, Dickinson, George, Hittell, Johnson, Kelly, Neumann, Nye, Pardee, Rowell, Sears, Traylor, and Wendell—17.

The bill failing to receive a constitutional majority, was declared lost.

Mr. Sears gave notice of motion to reconsider the vote just taken. Senate Bill No. 92—An Act to provide buildings and improvements for the Institution for the Deaf and Dumb, and the Blind.

Mr. Pardee moved that the Secretary be instructed to make cor-

rection of clerical error, as follows: Make "forty-five thousand dollars," in section one, read, "forty-five thousand five hundred dollars."

So ordered.

The question recurring upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Neumann, Pardee, Pool, Rowell, Ryan, and Wendell—22.

NOES—Messrs. Anderson, Brown, Byrnes, Harlan, Hill, Hudson, Langford, Nye, Sears, Traylor, West, and Zuck—12.

Bill passed, and title read and approved.

Mr. Davis gave notice of motion to reconsider.

Senate Bill No. 30—An Act to amend section four hundred and twenty-seven of the Civil Code, concerning investments of the capital stock and funds of insurance companies.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—None.

Title read and approved.

Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violations of the law for the preservation of fish.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Wendell, West, and Zuck—28.

NOES—Messrs. Byrnes, Chase, Hittell, Johnston, Nye, and Traylor—6.

Title read and approved.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 9, 1881. }

To the Senate of the State of California:

I herewith transmit to your honorable body the first report of the Board of Railroad Commissioners. Please transmit the same to the Assembly, as but one copy has been furnished.

GEORGE C. PERKINS, Governor.

Mr. Johnson moved that one thousand copies of the report of the Railroad Commissioners be printed.

So ordered.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Concurrent Resolution No. 5, and that the same has this day been placed in the hands of the Governor, at three o'clock and thirty minutes p. m.

HUDSON, Chairman.

Mr. Traylor moved that the business under the head of Third Reading File, be continued with.

Carried.

Senate Bill No. 150—An Act to amend sections fifteen and sixty-six of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Traylor, Watson, Wendell, West, and Zuck—31.

NOES—None.

Title read and approved.

Senate Joint Resolution No. 3—In relation to granting charter to Nicaragua Maritime Canal Company.

Read third time, and adopted by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Ryan, Traylor, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Moreland and Rowell—2.

Title read and approved.

Senate Concurrent Resolution No. 30—To provide for a manufacturing arsenal at Benicia, California.

Read third time, and adopted by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Wendell, West, and Zuck—32.

NOES—None.

Title read and approved.

Senate Bill No. 5.

Passed on file.

Senate Bill No. 21.

Passed on file.

INTRODUCTION OF BILLS.

By Mr. Pardee (by leave): Senate Bill No. 341—An Act to repeal an Act entitled "An Act to regulate the practice of pharmacy in the City and County of San Francisco," approved March twenty-eighth, eighteen hundred and seventy-two, and amended March thirty-first, eighteen hundred and seventy-six, and amended March thirtieth, eighteen hundred and seventy-eight.

Read first time, and referred to Committee on Hospitals.

REPORT OF COMMITTEE.

By Mr. Johnston (by leave):

SENATE CHAMBER, February 9, 1881.

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 332—An Act to amend section three thousand four hundred and fifty-four of the Political Code—beg leave to report the same back, and recommend that it do pass.

JOHNSTON, Chairman.

INTRODUCTION OF A BILL.

By Mr. Gorman (by leave): Senate Bill No. 342—An Act to prohibit visiting physicians and visiting surgeons to city, city and county, or county hospitals, from receiving salaries or compensation from such city, city and county, or county.

Read first time, and referred to Committee on City, City and County, and Town Governments.

ADJOURNMENT.

At four o'clock and forty-three minutes P. M., on motion of Mr. Baker, the Senate adjourned.

IN SENATE

SENATE CHAMBER,
Thursday, February 10, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampton, Langford, Moteland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, T aylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF COMMITTEES.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, February 10, 1881.

MR. PRESIDENT: The Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to whom was referred Senate Bill No. 278—An Act to amend section nineteen of an Act entitled "An Act to promote irrigation," approved April first, eighteen hundred and seventy-two, relating to irrigation, have had the same under consideration, and a majority thereof report back, and recommend its passage.

Also, Senate Bill No. 280—An Act to make an Act entitled "An Act to promote irrigation," approved April first, eighteen hundred and seventy-two, applicable to Fresno County, by amending section twenty-six of said Act, report the same back with amendments, and a majority recommend its passage as amended.

JOHNSON, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 221—An Act to amend section three thousand three hundred and thirty-six of the Civil Code, relating to damages for wrongs, have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 256—An Act to amend section one thousand four hundred and sixty-five of the Code of Civil Procedure, relating to setting apart, for the use of the family, all property exempt from execution, including the homestead—and recommend that it do not pass.

Also, Senate Bill No. 266—An Act to amend section six hundred and eighty-nine of the Code of Civil Procedure, relating to property claimed by a third party which has been levied on under execution—and recommend its passage.

Also, Assembly Bill No. 183—An Act to correct the spelling of the names of two of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts—and recommend its passage.

Also, Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of the Code of Civil Procedure, relating to escheated estates, and to provide for the sale thereof—and recommend its passage.

Also, Senate Bill No. 265—An Act relating to fires caused by locomotives—and recommend that it do not pass.

WENDELL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, respectfully dissent from the opinion of the majority of said committee, recommending the passage of Senate Bill No. 271—An Act to add a new section to the Civil Code, to be known as section six hundred and fifteen, relating to cemetery corporations—and recommend that it do not pass, as, in the opinion of the undersigned, it virtually repeals the provisions of the Civil Code relating to cemetery corporations.

J. F. WENDELL,
W. W. MORELAND.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 9, 1881.

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 178—Entitled "An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools."

GEO. C. PERKINS, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February fifth, eighteen hundred and eighty-one, adopted Assembly Concurrent Resolution No. 12—Relative to asking Congress to declare the lands of the Moquelumnes Grant a portion of the public domain, subject to entry under the homestead and preemption Act.

Also, that on February ninth, eighteen hundred and eighty-one, the Assembly adopted Senate Concurrent Resolution No. 1—Relative to the sale of public lands.

Also, Senate Concurrent Resolution No. 7—Relative to mining debris and channel obstructions.

Also, passed Assembly Bill No. 67—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners.

Also, Assembly Bill No. 85—An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the port of San Francisco.

Also, Senate Bill No. 25—An Act releasing to William Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 12—As above, read first time and referred to Committee on Federal Relations.

Assembly Bill No. 67—As above, read first time and referred to Committee on City, City and County, and Town Governments.

Assembly Bill No. 85—As above, read first time and referred to Committee on Commerce and Navigation.

INTRODUCTION OF BILLS.

By Mr. Baker: Senate Bill No. 343—An Act to amend section fifty-three of the Code of Civil Procedure, relating to the jurisdiction of the Supreme Court on appeal.

Read first time, and referred to Judiciary Committee.

By Mr. Johnson: Senate Bill No. 344—An Act to provide for the completion of the wall around the State Prison at Folsom.

Read first time, and referred to the Committee on State Prisons.

By Mr. Rowell: Senate Bill No. 345—An Act to repeal all of sections three thousand eight hundred and twenty-four and three thousand eight hundred and twenty-five of the Political Code, relating to the collection of taxes by the Assessor of certain personal property.

Read first time, and referred to the Committee on Finance.

By Mr. Cheney: Senate Bill No. 346—An Act to amend section one thousand four hundred and two of the Civil Code, relating to the disposition of the community property upon the death of the husband.

Read first time, and referred to Judiciary Committee.

SECOND READING OF BILLS.

Senate Bill No. 40—An Act to establish a uniform system of county governments.

Read second time.

Mr. Rowell offered the following amendment: Amend subdivision two, section four thousand and six, line five, by striking out "ten" and inserting "nine."

A division of the vote being demanded, the amendment was adopted by the following vote: Ayes, 13; noes, 7.

Mr. Davis arose to a point of order, that no quorum voted.

Mr. Satterwhite arose to a point of order, that the vote had been declared by the Chair.

The Chair ruled the point of order well taken.

Mr. Zuck offered the following amendment:

Amend section four thousand and six by striking out in subdivision three, the word "ten" and insert the word "nine."

Adopted.

Mr. Burt offered the following amendment:

Amend section four thousand and fifteen by striking out the word "five" in subdivision two, and insert the word "three."

Lost.

Mr. Johnston moved that the pending bill be read section by section, and that the committee amendments be considered in their order.

Mr. Baker moved, as an amendment, that the amendments of the committee be adopted as a whole, and that the Senate proceed to consider the bill, section by section.

Amendment lost.

The question recurred on the original motion.

Lost.

Mr. Johnson offered the following amendment:

Amend section four thousand and sixteen, by striking out the word "four" in line two of said section, printed bill, and insert in lieu thereof the word "two," and strike out all after the word "election."

Upon which the ayes and noes were called, with the following result:

AYES—MOSES, Brown, Chase, Conger, Davis, Enos, Gorman, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Nye, Ryan, Satterwhite, and Traylor—16.

NOES—MOSES, Anderson, Baker, Burt, Byrnes, Carlock, Cheney, Dickinson, George, Glascock, Harlan, Hall, Hittell, Lamson, Langford, Moreland, Pardee, Pool, Rowell, Sears, Watson, Wendell, West, and Zuck—23.

Amendment lost.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 10, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report as correctly engrossed the following Senate bills, viz.:

Senate Bill No. 336—An Act to provide a contingent fund for the Legislature.

Also, Senate Bill No. 16—An Act to govern the practice of medicine in the State of California, and defining who are legal physicians and surgeons.

GEORGE, Chairman.

Mr. Wendell offered the following amendment: Amend section four thousand and seventeen by inserting after the word "shall" in line one, the words "before the first day of September, A. D. eighteen hundred and eighty-one."

Adopted.

Mr. Sears offered the following amendment: Add to section four thousand and seventeen: "*Provided*, that convicts in State Prisons shall not be considered as part of said population."

Adopted.

Mr. Baker moved that the pending bill be continued to the exclusion of all other business until finished.

Upon which the ayes and noes were demanded by Messrs. Baker, Johnson, and Enos, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Davis, Glascock, Harlan, Hill, Hittell, Hudson, Lampson, Langford, Moreland, Pardee, Rowell, Sears, Wendell, West, and Zuck—19.

NOES—Messrs. Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Johnson, Johnston, Kane, Kelly, Nelson, Pool, Ryan, Satterwhite, and Watson—18.

It requiring a two-thirds vote, the motion was lost.

RECESS.

The time having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

President pro tem. Johnston in the chair.

THIRD READING OF BILLS.

Senate Bill No. 5—An Act to establish and support a Bureau of Labor and Land Statistics.

Read third time.

Roll called, and bill passed by the following vote:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Wendell, West, and Zuck—23.

NOES—Messrs. Baker, Burt, Dickinson, George, Harlan, Hittell, Lampson, Moreland, Rowell, Traylor, and Watson—11.

Title read and approved.

Mr. Zuck gave notice of motion to reconsider the vote by which Senate Bill No. 5 was passed to-day.

Senate Bill No. 21—An Act to regulate the hours of labor on work done for the State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—33.

NOES—Messrs. Dickinson, Hittell, Traylor, and Watson—4.

Title read and approved.

Senate Bill No. 241—An Act to establish a Branch State Normal School.

Read third time, and failed to pass by the following vote:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Gorman, Hudson, Johnston, Kane, Nelson, Neumann, Pool, Watson, and West—18.

NOES—Messrs. Anderson, Burt, Glascock, Harlan, Hill, Hittell, Johnson, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Wendell, and Zuck—18.

Mr. Johnson gave notice of motion to reconsider the vote just had.

Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

Title read and approved.

Mr. Sears, in accordance with notice of motion previously given, now moved that the vote by which Senate Bill No. 115 was lost be reconsidered.

Senate Bill No. 115—An Act amending an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream, and to repeal section three of said Act, approved March twenty-sixth, eighteen hundred and sixty-eight.

The question recurred upon the reconsideration of the vote.

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Davis, Enos, Glascock, Harlan, Hill, Hudson, Kane, Lampson, Moreland, Pool, Ryan, Satterwhite, Sears, West, and Zuck—18.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Conger, Dickinson, George, Gorman, Hittell, Johnston, Kelly, Neumann, Nye, Pardee, Rowell, Traylor, and Wendell—17.

Motion carried.

The question recurred upon the passage of the bill.

Senator Davis asked to be excused from voting.

Objection being made, a division was demanded, and the Senator was so excused by the following vote: Ayes, 15; noes, 11.

The roll was called, and the bill failed to pass, by the following vote:

AYES—Messrs. Anderson, Carlock, Chase, Enos, Glascock, Harlan, Hill, Hudson, Kane, Moreland, Pool, Ryan, Satterwhite, West, and Zuck—15.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Cheney, Conger, Dickinson, George, Gorman, Hittell, Johnson, Kelly, Neumann, Nye, Pardee, Rowell, Sears, Traylor, and Wendell—19.

Mr. Sears gave notice of motion to reconsider.

Senate Bill No. 11—An Act to appropriate moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State in preparing bills adapting the Codes to the Constitution.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Pardee, Ryan, Satterwhite, Traylor, Watson, and West—27.

NOES—Messrs. Baker, Chase, Hill, Hittell, Johnson, Nye, Pool, Rowell, Sears, Wendell, and Zuck—11.

Title read and approved.

Mr. Kane gave notice of motion to reconsider Senate Bill No. 127—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol, and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Kelly, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—25.

NOES—Messrs. Baker, Burt, Brown, Chase, George, Hill, Kane, Lampson, Nelson, Neumann, and Rowell—11.

Title read and approved.

Senate Concurrent Resolution No. 15—Relative to the establishment of a branch department of the Dead Letter Office at the San Francisco Post Office.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—39.

NOES—None.

Title read and approved.

Mr. Davis, pursuant to notice, now moved that the vote by which Senate Bill No. 92 was passed be reconsidered.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Chase, Davis, Harlan, Hill, Hudson, Moreland, Nelson, Neumann, Nye, Sears, Traylor, West, and Zuck—16.

NOES—Messrs. Baker, Carlock, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, and Wendell—22.

Motion lost.

Senate Concurrent Resolution No. 22—Relative to the erection of a Post Office for the City of San Francisco.

Read third time.

The Secretary was ordered to make correction of the following clerical errors in the pending bill, viz.: Strike out the duplicate word "of" in line two, and also in line six, section one.

The question recurred upon the passage of the bill, and the roll was called, with the following result:

AYES—Messrs. Byrnes, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, Watson, Wendell, and West—25.

NOES—Messrs. Burt, Brown, Hill, Hittell, Lampson, Pardee, Rowell, Sears, Traylor, and Zuck—10.

Bill passed.

Title read and approved.

Senate Bill No. 32—An Act concerning the medical department of the University of California.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—37.

NOES—None.

Title read and approved.

Senate Bill No. 12—An Act to create a fund in the several counties of this State, for the payment of the salary of the Superior Judges.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—None.

Title read and approved.

Senate Bill No. 245—An Act to amend section five hundred and twenty-eight of the Political Code, relating to the duties of State Printer.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—None.

Title read and approved.

Senate Bill No. 336—An Act to provide a contingent fund for the Legislature.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Brown, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—28.

NOES—Mr. Burt—1.

Title read and approved.

Senate Bill No. 16—An Act to govern the practice of medicine in the State of California, and defining who are legal physicians and surgeons.

Read third time.

Mr. Chase moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck

All present except Senators Enos and Baker.

The Sergeant-at-Arms presented Senator Enos at the bar of the Senate. On motion, Mr. Enos was excused.

The Sergeant-at-Arms presented Senator Baker at the bar of the Senate. On motion, Mr. Baker was excused.

Mr. Gorman moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

The question recurred upon the passage of Senate Bill No. 16, and the roll was called, with the following result:

AYES—Messrs. Brown, Chase, Cheney, Enos, George, Hill, Hudson, Johnson, Kane, Langford, Nelson, Neumann, Nye, Pool, Ryan, Wendell, and West—17.

NOES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hittell, Johnston, Lampson, Moreland, Pardee, Rowell, Satterwhite, Sears, Traylor, Watson, and Zuck—22.

Bill failed to pass.

Mr. Johnson moved to take up Senate Bill No. 254 from the Second Reading File, for consideration.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Brown, Byrnes, Chase, Cheney, Conger, Dickinson, Enos, George, Harlan, Hudson, Johnson, Johnston, Langford, Nelson, Pardee, Pool, Ryan, and Traylor—17.

NOES—Messrs. Anderson, Baker, Burt, Gorman, Hill, Kane, Lampson, Moreland, Nye, Rowell, Sears, Watson, Wendell, and Zuck—14.

Not having received a two-thirds majority, it was declared lost.

ADJOURNMENT.

At four o'clock and twenty minutes p. m., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 11, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Nye, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

PETITION.

From the citizens and taxpayers of San José and Santa Clara, recommending Senate Bill No. 177 for speedy passage.

RESIGNATION OF SECRETARY.

Mr. Satterwhite moved that the resignation of the late Secretary of the Senate, heretofore filed, be accepted.

So ordered.

ELECTION OF SECRETARY OF SENATE.

Mr. Johnson placed in nomination James A. Orr for Secretary of the Senate, upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—37.

NOES—None.

James A. Orr having received all the votes cast, was declared elected Secretary of the Senate.

ELECTION OF ASSISTANT SECRETARY OF THE SENATE.

Mr. Johnston placed in nomination Frank T. Ryan for the position of Assistant Secretary of the Senate.

Mr. Cheney placed in nomination John R. Brierley.

Mr. West seconded the nomination of Mr. Brierley.

Mr. Traylor placed in nomination Edward J. Smith.

Mr. Conger placed in nomination William M. Gillespie.

Mr. Hill moved to postpone the election of an Assistant Secretary of the Senate.

Lost.

Nominations were declared closed.

The roll was called, with the following result:

For Mr. Smith—Messrs. Anderson, Baker, Brown, Byrnes, Conger, Dickinson, Enos, George, Glascock, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, and Traylor—22.

For Mr. Brierley—Messrs. Burt, Carlock, Chase, Cheney, Davis, Gorman, Hill, Langford, Moreland, Pardee, Sears, Watson, Wendell, West, and Zuck—15.

For Mr. Ryan—Mr. Kelly—1.

E. J. Smith, having received a majority of all the votes cast, was declared duly elected Assistant Secretary of the Senate.

James A. Orr, Secretary elect of the Senate, now came forward and took the oath of office, administered by the President of the Senate.

REPORT OF COMMITTEE.

By Mr. Traylor (by leave):

SENATE CHAMBER, SACRAMENTO, February 11, 1881.

MR. PRESIDENT: Your Committee on Commerce and Navigation have had under consideration Senate Bill No. 186, and report the same back with a substitute therefor, and recommend its passage.

W. W. TRAYLOR,
WM. GEORGE,
P. H. RYAN,
S. G. NYE.

INTRODUCTION OF BILLS.

By Mr. Davis: Senate Bill No. 347—An Act to amend section three hundred and eighty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to parties to civil actions.

Read first time, and referred to Committee on Irrigation.

REPORTS OF COMMITTEES.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, February 10, 1881.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 72—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same have had the same under consideration, and respectfully report as follows:

The bill authorizes suit to be maintained against towns, cities, and cities and counties, in cases where "by reason of errors, omissions, or irregularities of any of the municipal authorities," contractors for work upon public streets, sidewalks, and sewers have lost their claims or liens. By the law under which nearly all these claims accrued, it was provided in express terms that in no event should the municipality be liable therefor, and that proviso was incorporated in the contract. The law proceeded upon the theory that the work was of private benefit, and should be paid for by the individuals benefited, and not by the public.

The bill in question not only gives the right to bring suit, but in express terms confers "a right and cause of action" for such claims. In other words, it creates a legal demand against the municipality for these claims where none exists, and leaves to the Courts only the question of determining the amount. This is beyond the constitutional power of the Legislature. To quote from the language of our Supreme Court, in the case of *Hoagland vs. the City of Sacramento*, 52 Cal. 150: "While the legislative power may, as it frequently does, interpose to furnish a remedy, or remove an impediment which prevents the enforcement of a legal or equitable right or duty already existing, it cannot, even against a municipal corporation, create a claim without the consent of those who are to be taxed for its payment. Such a procedure, while taking on the form of a statutory enactment, would amount to mere spoliation." To the same effect is the opinion of Chief Justice Dixon, in *Hasbrouck vs. the City of Milwaukee*, 13 Wis. 50: "In so doing the Legislature would interfere with vested rights of property. It would, of its own mere motion, create an obligation where, by law, none before existed. It would impose a liability against the will and without the consent of the party to be charged. This the Legislature cannot do."

It was urged in argument before the committee that the contractors having lost their liens through the carelessness or neglect of city officials in the performance of their duties in proceedings claimed to be for the benefit of the corporation, the corporation thereby became liable for the losses incurred through such carelessness and neglect. But no such rule of law obtains

in this State. The ordinary doctrine of principal and agent does not apply to municipal corporations and their officers.

Incorporated cities and towns, like counties, are mere governmental instrumentalities formed under the laws of the State for purposes of internal administration. (*Wimbler vs. City of Los Angeles*, 45 Cal. 36.) They are not liable for injuries sustained by private parties through the neglect or malfeasance of their officers. The remedy, if any, is against the officers, as individuals, and upon their official bonds, but the public is in no way responsible for their acts. (*Hoffman vs. San Joaquin Co.*, 21 Cal. 426. *Crowell vs. Sonoma Co.*, 25 Cal. 313.) In illustration of the foregoing principles, we further refer the Senate to the cases of *Brady vs. King*, 53 Cal. 44, and *People vs. Lynch*, 51 Cal. 15.

There are other objections to the bill which it is not necessary to specify. The committee are of the opinion that it is clearly unconstitutional, and therefore report it back with the recommendation that it be indefinitely postponed.

WENDELL, Chairman.

REPORTS OF COMMITTEES.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, February 11, 1881.

MR. PRESIDENT: The Committee on County and Township Governments to whom was referred Assembly Bill No. 48—An Act to provide for the classification of municipal corporations—report the same back, and recommend that it be referred to the Committee on City, City and County, and Town Governments, as it relates solely to municipal corporations.

WENDELL, Chairman.

By Mr. Burt:

SENATE CHAMBER, SACRAMENTO, February 11, 1881.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 273—Relative to the granting of free passes to public officers—beg leave to report the same back without recommendation, for the reason that, inasmuch as it simply reenacts section nineteen of article twelve of the Constitution, which section your committee deem self operating, and are therefore in doubt as to whether a law is necessary to carry its provisions into effect.

Also, Assembly Bill No. 149—And report the same back, recommending its passage.

BURT, Chairman.

INTRODUCTION OF BILLS.

By Mr. Johnston: Senate Bill No. 348—An Act to amend section six hundred and seven of the Penal Code, relating to malicious mischief.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Enos: Senate Bill No. 349—An Act for the relief of John Timmins.

Read first time, and referred to Committee on Claims.

By Mr. Hittell: Senate Bill No. 350—An Act in relation to the proof of the incorporation of foreign corporations.

Read first time, and referred to Judiciary Committee.

By Mr. Brown: Senate Bill No. 351—An Act to authorize the California Water and Mining Company to construct and operate a railroad, and to supply the inhabitants of the City and County of Sacramento, and other persons, parties, and corporations with pure water.

Read first time, and referred to Committee on Corporations.

By Mr. Neumann: Senate Bill No. 352—An Act to amend section one thousand and seventy of the Penal Code of the State of California, relative to the number of peremptory challenges in criminal cases.

Read first time, and referred to the Judiciary Committee.

RESOLUTION.

By Mr. Johnson (by leave):

Resolved, That W. A. Gett be and he is hereby appointed porter of the Senate Judiciary Committee room, at a per diem of one dollar and fifty cents, payable out of the Contingent Fund of the Senate, said per diem to commence from January seventh, eighteen hundred and eighty-one.

Referred to the Committee on Contingent Expenses.

REPORT OF COMMITTEE.

By Mr. Watson:

SENATE CHAMBER, SACRAMENTO, February 10, 1881.

MR. PRESIDENT: Your Committee on State Prisons, to whom was referred Senate Bill No. 344—To provide for the completion of the wall around the State Prison at Folsom—have had the same under consideration, and report the same back, and recommend its passage.

WATSON, Chairman.

Mr. Glascock moved to recommit Senate Bill No. 217 to Committee on Roads and Highways, and that the bill retain its place on the file.
So ordered.

SECOND READING OF BILLS.

Senate Bill No. 40—An Act to establish a uniform system of county governments.

Consideration of Senate Bill No. 40 resumed.

Mr. Chase offered the following amendment to the amendment of the committee: Strike out in line twenty-two the words "or otherwise dependent poor."

Lost.

The question recurring upon the adoption of the amendment of the committee, the ayes and noes were demanded by Messrs. Pardee, Chase, and Carlock, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Davis, Harlan, Hill, Hudson, Langford, Nye, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—15.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Lampson, Moreland, Pardee, Pool, Ryan, and Traylor—21.

Amendment lost.

Mr. Johnston offered the following amendment: Strike out in section four thousand and thirty, subdivision five, line eighteen, the word "three" and insert "one."

Mr. Ryan offered the following, and to the above amendment: Amend by striking out all relating to poll tax.

Lost.

Mr. Pardee offered the following amendment to amendment: Amend in line eighteen, insert the words "hospital tax" instead of "poll tax."

The question recurred upon the adoption of the amendment offered by Mr. Johnston.

Lost.

The question recurred upon the adoption of the amendment offered by Mr. Pardee.

A division having been called for, the motion prevailed by the following vote: ayes, 13; noes, 13; the Chair voting in the affirmative.

Ed. F. Smith, Assistant Secretary elect, now came forward, and the oath of office was administered to him by the President of the Senate.

Senate Bill No. 40 resumed.

Mr. Johnston offered the following amendment: Strike out in section four thousand and thirty, subdivision five, line nineteen, the word "fifth," and insert the word "twentieth."

Lost.

Mr. Lampson offered the following amendment: Insert "two" dollars in place of "three," in line eighteen.

The question recurred upon the adoption of the amendment offered by Mr. Lampson, upon which motion the ayes and noes were demanded by Messrs. Langford, Zuck, and Enos, and the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Chase, Conger, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Pardee, Pool, Ryan, Sears, Watson, and West—22.

NOES—Messrs. Burt, Brown, Cheney, Glascock, Hill, Langford, Rowell, Satterwhite, Wendell, and Zuck—10.

Amendment adopted.

Mr. Johnston offered the following amendment: Add in line thirty-one, subdivision eight, section four thousand and thirty, "Provided, no real property shall be purchased by the Supervisors for the use of the county, until the same has been submitted to a vote of the people of the county, at a regular election, and decided in favor of said purchase."

Adopted.

Mr. Johnson offered the following amendment: I move to amend subdivision ten, of section four thousand and thirty, by inserting after the word "or" in line thirty-five, of said section, printed bill, the words "where there is no newspaper printed in the county."

Adopted.

Mr. Enos offered the following amendment to the amendment of the committee: Amend section four thousand and thirty, subdivision thirteen, in line forty-seven, by striking out "seventy-five," and insert "fifty" cents.

Lost.

Mr. Rowell asked for indefinite leave of absence.

Granted.

RECESS.

Pending consideration of the bill, the time having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

REPORTS OF COMMITTEES.

By Mr. Johnston (by leave):

SENATE CHAMBER, SACRAMENTO, February 10, 1881.

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 248—have had the same under consideration, and report the same back, and recommend that it do pass.

JOHNSTON, Chairman.

Mr. Johnson now moved, pursuant to notice given, that the vote by which Senate Bill No. 241 was lost be reconsidered.

Carried.

The question recurred upon the passage of the bill, and the roll was called, with the following result:

AYES—MESSRS. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Pardee, Ryan, Watson, and West—25.

NOES—MESSRS. Burt, Glascock, Harlan, Hill, Hittell, Hudson, Nye, Satterwhite, Sears, Traylor, Wendell, and Zuck—12.

Bill passed.

Title read and approved.

Mr. Davis now moved, pursuant to notice given, that the vote by which Senate Bill No. 11 was passed, be reconsidered.

Upon which motion the ayes and noes were called, with the following result:

AYES—MESSRS. Baker, Chase, George, Hill, Hittell, Hudson, Johnson, Kane, Moreland, Nelson, Nye, Pardee, Sears, Wendell, and Zuck—15.

NOES—MESSRS. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Johnson, Kelly, Lampson, Neumann, Ryan, Satterwhite, Traylor, Watson, and West—22.

Reconsideration refused.

Mr. Neumann now moved, pursuant to notice given, that the vote by which Senate Bill No. 5 was passed be reconsidered.

Upon which motion the ayes and noes were called, with the following result:

AYES—MESSRS. Baker, Burt, Brown, Dickinson, George, Harlan, Hittell, Hudson, Lampson, Moreland, Neumann, Nye, Satterwhite, Sears, Traylor, Watson, and Zuck—17.

NOES—MESSRS. Anderson, Byrnes, Chase, Conger, Davis, Enos, Glascock, Gorman, Hill, Johnson, Johnston, Kelly, Pardee, Ryan, Wendell, and West—16.

Not having received a majority of the votes of the Senate, it was refused reconsideration.

Mr. Johnson moved that the Senate consider, out of its order, Senate Bill No. 225, now upon the Second Reading File.

Upon which motion the ayes and noes were demanded by Messrs. Hill, Baker, and Johnson, and the roll was called, with the following result:

AYES—MESSRS. Brown, Byrnes, Carlock, Cheney, Davis, Enos, George, Johnson, Kelly, Nelson, Neumann, Nye, Pardee, Ryan, and Traylor—15.

NOES—MESSRS. Anderson, Baker, Burt, Chase, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Lampson, Moreland, Pool, Satterwhite, Sears, Watson, Wendell, West, and Zuck—22.

Lost.

SECOND READING OF BILLS.

Senate Bill No. 40 resumed.

Mr. Ryan offered the following amendment: Amend subdivision seventeen, by inserting the word "booms" after the word "chutes," in line fifty-four.

Adopted.

Mr. Lampson offered the following amendment: Amend by striking out the whole of subdivision twenty-three.

Lost.

Mr. Baker asked that leave of absence be granted to Committee on Public Buildings until Monday next, at three o'clock P. M.

Granted.

Mr. Lampson asked that leave of absence be granted to Committee on Hospitals until Monday next, at two o'clock P. M.

Granted.

Senate Bill No. 40 resumed.

Mr. Johnson offered the following amendment: Amend by striking out of section four thousand and thirty-eight, all after the word "direct" in line two of printed bill.

Upon which motion a division of the vote was demanded, and the amendment prevailed by the following vote: Ayes, 18; noes, 11.

Mr. Sears offered the following amendment: Amend section four thousand and fifty-five, line two, by striking out the words "published in the county" and insert "wholly printed and published within the county, if there be any such."

Adopted.

Mr. Carlock offered the following amendment: Add to amendment to section four thousand and fifty-five, line two, by inserting after the word "published" "for at least one year prior to the contract."

Adopted.

President pro tem. in the chair.

Mr. Zuck offered the following amendment: Amend by adding to end of section four thousand and fifty-five, "and no paper printed wholly or in part by Chinese labor shall be awarded any contract for county printing."

Upon which motion the ayes and noes were demanded by Messrs. Satterwhite, Zuck, and Moreland, and the roll was called, with the following result:

AYES—Messrs. Carlock, Conger, Enos, George, Gorman, Hill, Johnson, Johnston, Moreland, Satterwhite, Sears, West, and Zuck—13.

NOES—Messrs. Anderson, Burt, Byrnes, Chase, Cheney, Davis, Glascock, Hittell, Hudson, Kane, Nye, Pardee, Ryan, Watson, and Wendell—16.

Amendment lost.

Mr. Glascock offered the following amendment: Amend section four thousand and fifty-five, line six, after words "be one," the following: "provided, that for doing the advertising the paper proposing to do the same for the least amount, according to circulation, shall have the contract."

Lost.

Mr. Ryan offered the following amendment: Amend line two, by inserting the word "boom" after the word "chute."

Adopted.

Mr. Enos offered the following amendment: Strike out the words

"one dollar," and insert the words "seventy-five cents," in section four thousand and sixty-five.

Mr. Brown offered the following amendment: I move to strike out section four thousand and sixty-five.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Wendell, and Brown, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, George, Hudson, Johnson, Moreland, Pool, and Watson—13.

NOES—Messrs. Byrnes, Conger, Enos, Glascock, Hill, Hittell, Johnston, Kane, Nye, Pardee, Ryan, Sears, Wendell, West, and Zuck—15.

Lost.

Mr. Lampson asked to have his vote recorded to-day in favor of James A. Orr for Secretary of the Senate.

Granted.

Mr. Johnson offered the following amendment: I move to amend section four thousand and sixty-six (which reads four thousand and sixty-five, printed bill) by inserting after the word "dollar," in line three of said section, printed bill, the words "and twenty cents."

Adopted.

Mr. Ryan asked leave of absence for one day.

Granted.

REPORTS OF COMMITTEES.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, February 11, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Concurrent Resolutions Nos. 1 and 7, and Senate Bill No. 25, and that the same have this day been placed in the hands of the Governor, at eleven o'clock A. M.

HUDSON, Chairman.

Mr. Johnson moved that the first, second, third, and fourth bills on Second Reading File be placed at the head of the file for Monday next.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Hudson, Johnson, Johnston, Lampson, Pardee, Pool, Ryan, and Sears—18.

NOES—Messrs. Anderson, Davis, Hill, Hittell, Kane, Moreland, Nye, Watson, Wendell, West, and Zuck—11.

Lost.

MESSAGE FROM ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, eighteen hundred and eighty-one, adopted Assembly Concurrent Resolution No. 20—Relative to time of adjournment on Wednesday, February sixteenth, eighteen hundred and eighty-one.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 20—As above, read and adopted.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, February 12, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messes. Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Watson, and Wendell.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF COMMITTEES.

By Mr. Davis:

SENATE CHAMBER, SACRAMENTO, February 11, 1881.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 56—have had the same under consideration, and report it back with recommendation that it do pass

DAVIS, Chairman.

By Mr. Carlock:

SENATE CHAMBER, SACRAMENTO, February 11, 1881.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 339—An Act to provide for removing obstructions in Pit River, between Pitville, Shasta County, and Thompson's Bridge, in Big Valley, Lassen County, so as to enable salmon to reach the spawning grounds on the upper waters of said river, and its tributaries—have had the same under consideration, and report the same back, and recommend that it do pass.

CARLOCK, Chairman.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, February 12, 1881.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debris, having had under consideration Senate Bill No. 347—An Act to amend section three hundred and eighty-two of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to parties to civil actions—report the same back, and a majority, Senators Davis, Chase, Satterwhite, Rowell, and Johnson, recommend its passage, and a minority, Senators Watson, Brown, Neumann, and Pool, recommend its indefinite postponement.

JOHNSON, Chairman.

By Mr. Byrnes:

SENATE CHAMBER, SACRAMENTO, February 12, 1881.

MR. PRESIDENT: The Committee on Roads and Highways, to whom was recommended Senate Bill No. 217—An Act to provide for bridges across navigable streams—have had the same under consideration, and report back with a substitute for the bill, and recommend the passage of the substitute.

BYRNES, Chairman.

By Mr. Watson:

SENATE CHAMBER, SACRAMENTO, February 12, 1881.

MR. PRESIDENT: Your Committee on State Prisons, to whom was referred Senate Bill No. 244—An Act to establish a State Farming School, for the protection of boys resident of this State—have had the same under consideration, and report the bill back with recommendation that the author have leave to withdraw it.

WATSON, Chairman.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, February 12, 1881.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations—have had the same under consideration, and report the same back with amendments pursuant to the instructions of the Senate.

SEARS, Chairman.

MESSAGES FROM ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February tenth, eighteen hundred and eighty-one, adopted Senate Concurrent Resolution No. 30—Relative to providing for a manufacturing arsenal at Benicia, California.

Passed Senate Bill No. 134—An Act to provide for the improvement of Normal Square in the City of San José.

J. M. WRIGHT, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February eleventh, eighteen hundred and eighty-one, adopted Senate Concurrent Resolution No. 15—Relative to instructing our Representatives in Congress to secure a branch department of the Dead Letter Office in San Francisco.

Passed Assembly Bill No. 135—An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges, during the thirty-first fiscal year.

Also, Assembly Bill No. 145—An Act concerning road poll taxes.

Also, Assembly Bill No. 82—An Act making appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due him for the twenty-ninth and thirtieth fiscal years.

Also, Assembly Bill No. 176—An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on and the action of interpleader.

Also, Assembly Bill No. 177—An Act to amend section four thousand and forty-eight of the Political Code, in relation to funding and refunding county indebtedness.

Also, Assembly Bill No. 178—An Act to amend section four thousand four hundred and forty-five of the Political Code, in relation to the funding and refunding city indebtedness.

Also, Assembly Bill No. 198—An Act to amend section two thousand six hundred and fifty-three of the Political Code, relating to the road fund.

Also, Assembly Bill No. 207—An Act to amend section three hundred and ninety-eight of the Code of Civil Procedure, in relation to the transfer of causes of action when the Judge or Justice is disqualified.

Also, Assembly Bill No. 185—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure, providing for appeals from Superior Courts to the Supreme Court.

Also, Assembly Bill No. 115—An Act to repeal an Act entitled an Act to provide a new Great Register for the County of Fresno, and other counties, and reregister the votes thereof, approved March twenty-ninth, eighteen hundred and seventy-eight.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 135—As above, read first time, and referred to Judiciary Committee.

Assembly Bill No. 145—As above, read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 82—As above, read first time, and referred to Committee on Claims.

Assembly Bill No. 176—As above, read first time, and referred to Judiciary Committee.

Assembly Bill No. 177—As above, read first time, and referred to Judiciary Committee.

Assembly Bill No. 178—As above, read first time, and referred to Committee on City, City and County, and Town Governments.

Assembly Bill No. 198—As above, read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 207—As above, read first time, and referred to Judiciary Committee.

Assembly Bill No. 185—As above, read first time, and referred to Judiciary Committee.

Assembly Bill No. 115—As above, read first time, and referred to Committee on Elections.

INTRODUCTION OF BILLS.

By Mr. Sears: Senate Bill No. 353—An Act to amend section one

hundred and ninety of the Penal Code, relating to the punishment of murder.

Read first time, and referred to Judiciary Committee.

By Mr. Davis: Senate Bill No. 354—An Act to amend section one thousand five hundred and fifty-two of the Political Code, relating to the salary and compensation of Superintendents of Schools of the counties of this State.

Read first time, and referred to Committee on County and Township Governments.

Mr. Johnson moved to pass Senate Bill No. 40 on the Second Reading File.

Upon which motion the ayes and noes were demanded by Messrs. West, Chase, and Byrnes, and the roll was called, with the following result:

AYES—Messrs. Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Johnson, and Ryan—13.

NOES—Messrs. Burt, Hill, Hittell, Hudson, Johnston, Kane, Moreland, Nye, Pardee, Pool, Satterwhite, Sears, Watson, Wendell, and West—15.

Lost.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, February 12, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 134.

Also, Senate Concurrent Resolution No. 30.

And that the same have, this day, been placed in the hands of the Governor, at ten o'clock and thirty minutes A. M.

HUDSON, Chairman.

SECOND READING OF BILLS.

Senate Bill No. 40—An Act to establish a uniform system of county governments.

Mr. Johnston moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Johnston, Pool, and Satterwhite, and the roll was called, with the following result:

AYES—Messrs. Conger, Johnson, Johnston, Pool, and Satterwhite—5.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Hill, Hittell, Hudson, Kane, Moreland, Nye, Pardee, Ryan, Sears, Watson, Wendell, and West—23.

Lost.

Mr. Johnson offered the following: I move to amend section four thousand and seventy-two, by inserting after the word "are," in line one of said section, printed bill, the following: "A Superior Judge, provided that the Counties of Alameda, Los Angeles, Sonoma, Sacramento, Santa Clara, and San Joaquin shall elect two Superior Judges, and the Counties of Yuba and Sutter combined, one."

Upon which motion, the ayes and noes were demanded by Messrs. Johnson, Hill, and Conger.

The roll was called, with the following result:

AYES—Messrs. Cheney, Conger, Enos, George, Johnson, Kane, and Pool—7.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Davis, Dickinson, Glascock, Hill, Hudson, Moreland, Nye, Pardee, Satterwhite, Sears, Watson, Wendell, and West—18.

Lost.

Mr. Moreland moved as an amendment: Add at the end of section four thousand and seventy-three, printed bill, the words: "*Provided*, The Board of Supervisors may provide for the election of an additional Justice of the Peace or Constable in any township when, in their opinion, the public convenience so requires."

Adopted.

Mr. Davis moved that the balance of article one be passed temporarily.

So ordered.

Mr. Enos made the point of order that there was not a quorum present.

The roll was called, and the following Senators answered to their names:

Messrs. Burt, Brown, Carlock, Enos, George, Glascock, Hill, Hittell, Hudson, Kane, Moreland, Nye, Pardee, Satterwhite, Sears, Watson, Wendell, and West—18.

Mr. Watson moved to adjourn.

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Chase, Enos, George, Pool, Satterwhite, and West—6.

NOES—Messrs. Burt, Brown, Carlock, Davis, Dickinson, Hill, Hittell, Hudson, Kane, Moreland, Nye, Pardee, Ryan, Sears, Watson, and Wendell—17.

Lost.

Mr. Brown moved to pass Senate Bill No. 40, temporarily, on the file, upon which the ayes and noes were called, with the following result:

AYES—Messrs. Brown, Carlock, Dickinson, Enos, Glascock, Pool, and Ryan—7.

NOES—Messrs. Burt, Chase, Davis, George, Hill, Hittell, Hudson, Kane, Moreland, Nye, Pardee, Satterwhite, Sears, Watson, Wendell, and West—16.

Lost.

Senator Brown in the chair.

Mr. Hittell moved as follows: Strike out from lines ninety-two, ninety-three, and ninety-four, subdivision fifteen, section four thousand and ninety, printed bill, the words "showing among other things, that the declaration was made in open Court, and that the affidavit of the applicant was duly attested by the Superior Judge."

Adopted.

Mr. Davis moved to take a recess until two o'clock P. M.

So ordered.

RECESS.

At twelve o'clock and fifteen minutes P. M. the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Hill, Hittell, Hudson, Johnson, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, and Wendell.

Quorum present.

Mr. Davis asked leave of absence for Senators Neumann and George for one day.

Granted.

Mr. Hill asked leave of absence for Senator Zuck for one day.

Granted.

Mr. Sears moved to pass first five bills on Second Reading File, to be continued in their present order.

Upon which motion the ayes and noes were demanded by Messrs. Sears, Byrnes, and Carlock.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Glascock, Hill, Hittell, Kane, Moreland, Nye, Ryan, Satterwhite, Sears, and Wendell—16.

NOES—Messrs. Burt, Cheney, Hudson, Johnson, Pardee, Pool, and Watson—7.

Carried.

SECOND READING OF BILLS.

Senate Bills Nos. 142, 167, and 270, and Senate Concurrent Resolution No. 6.

Passed on file.

Senate Bill No. 19—An Act to repeal section two of an Act entitled an Act fixing the compensation of certain officers of the County of Humboldt, approved February fourteenth, A. D. eighteen hundred and seventy-four.

Read second time and ordered engrossed.

Senate Bill No. 65—An Act to amend section one thousand five hundred and fifty-two of the Political Code.

Bill withdrawn by the author, Senator Davis.

Senate Bill No. 113—An Act to amend section one thousand eight hundred and fifty-eight of the Political Code, relating to public schools.

Read second time and ordered engrossed.

Senate Bills Nos. 152, 174, and 106.

Passed on file.

Senate Bill No. 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases from Justice or Police Courts to the Superior Courts.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 123.

Passed on file.

Senate Bill No. 163—An Act to amend section three hundred of the Penal Code, in relation to keeping open places of business on Sunday.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bills Nos. 179, 181, 182, and 188.

Passed on file.

Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

Read second time.

Upon question of the engrossment of the bill, the ayes and noes were demanded by Messrs. Wendell, Chase, and Carlock.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Hill, Hittell, Nye, Pool, Ryan, Satterwhite, Sears, and Wendell—15.

NOES—Messrs. Burt, Carlock, Johnson, Kane, Moreland, Pardee, and Watson—7.

Bill ordered engrossed.

Senate Bill No. 260, and Senate Concurrent Resolution No. 21.

Passed on file.

Senate Concurrent Resolution No. 20—Relating to amendments to the Constitution of the United States.

Read second time.

Upon the question of engrossment, the ayes and noes were demanded by Messrs. Sears, Hill, and Moreland, and the roll was called, with the following result:

AYES—Messrs. Chase, Conger, Enos, Hill, Kane, Moreland, Pardee, Pool, Ryan, and Satterwhite—10.

NOES—Messrs. Burt, Byrnes, Carlock, Cheney, Davis, Dickinson, Glascock, Hittell, Johnson, Nye, Sears, Watson, and Wendell—13.

Engrossment refused.

Senate Concurrent Resolution No. 12—Relative to the payment of claims for transporting and equipment of troops.

Read second time and ordered engrossed.

Senate Concurrent Resolution No. 17, and Senate Concurrent Resolution No. 16.

Passed on file.

Senate Bill No. 287—An Act to divide the State into drainage and irrigation districts.

Read second time and ordered engrossed.

Senate Bill No. 259—An Act to pay the claim of J. L. Farr.

Read second time and ordered engrossed.

Assembly Bill No. 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and to appropriate money to pay the same.

Read second time.

Mr. Hittell moved that the bill be recommitted to the Judiciary Committee.

Lost.

Bill ordered to third reading.

Senate Bill No. 183, and Senate Concurrent Resolution No. 29.

Passed on file.

Senate Bill No. 189.

Withdrawn by author.

Assembly Bill No. 47—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Judge thereof, or by the Governor, and providing for the payment by the county wherein such Court may be holden, in certain cases, of the actual expenses of such Judge for traveling to and from, and while holding said Court.

Read second time.

Mr. Wendell moved to indefinitely postpone the bill.

So ordered.

Senate Bill No. 202.

Withdrawn by author.

Senate Bill No. 204.

Passed on file.

Senate Bill No. 209—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, to prevent the sale of liquors and tobacco to minors.

Read second time and ordered engrossed.

Senate Bill No. 216.

Passed on file.

Senate Bill No. 223—An Act to add another section to the Penal Code (Chapter VII, Title VII, Part I), to prohibit persons from practicing law without a license from the Supreme Court.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 242—An Act to empower societies for the prevention of cruelty to animals to take money under wills.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 49.

Passed on file.

Senate Bill No. 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin, and for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the endowment fund thereof, which moneys have, by mistake, been withheld therefrom, and appropriated to other State purposes.

Read second time and ordered engrossed.

Senate Bill No. 140—An Act to amend section three thousand eight hundred and sixty-six of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to settlement of County Treasurers with the State Controller, and payments into the State treasury.

Read second time, amendments of committee adopted, and bill ordered engrossed.

Senate Bill No. 176—An Act to provide compensation for assessing, collecting, and paying the public revenue into the State treasury.

Read second time.

Mr. Sears offered the following amendment: Amend by striking out from line twenty-four, section one, printed bill, the word "twenty," and insert "ten."

A division of the vote being demanded, the motion prevailed by the following vote: Ayes, 12; noes, 5.

Bill ordered engrossed

Senate Bill No. 173.

Passed on file.

Senate Bill No. 151—An Act relative to foreign insurance companies.

Mr. Johnson moved to recommit bill to Committee on Corporations. So ordered.

Senate Bill No. 236—An Act to amend an Act entitled an Act to

appropriate money for the support of orphans, half orphans, and abandoned children, approved March twenty-fifth, eighteen hundred and eighty.

Read second time and ordered engrossed.

Senate Bill No. 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 286—An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected.

Read second time and ordered engrossed.

Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city or county, city or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one of Article XIV of the Constitution, and prescribing penalties for the non-performance of such duties.

Mr. Sears moved to pass bill on the file.

Lost.

Bill read second time.

Mr. Sears offered the following amendment: Amend by adding a new section, making section nine: "This Act shall not apply to any corporation having one hundred and fifty miles or less of water pipe."

Upon which motion the ayes and noes were demanded by Messrs. Sears, Cheney, and Hill, and the roll was called, with the following result:

AYES—Messrs. Cheney, Davis, Hill, Moreland, Nye, Pardee, Sears, Watson, and West—9.

NOES—Messrs. Burt, Brown, Carlock, Conger, Enos, Glascock, Johnson, Kane, Pool, Ryan, Satterwhite, and Wendell—12.

Amendment lost.

Mr. Davis moved that the pending bill be indefinitely postponed.

Mr. Nye offered the following amendment: Strike out from line six, section four, printed bill, all of the section after the word "misdemeanor."

Adopted.

The question recurred upon the motion to indefinitely postpone, and the ayes and noes were demanded by Messrs. Davis, Sears, and Watson, and the roll was called, with the following result:

AYES—Messrs. Cheney, Davis, Pardee, Sears, and Watson—5.

NOES—Messrs. Burt, Brown, Carlock, Conger, Enos, Glascock, Hill, Hittell, Johnson, Kane, Moreland, Nye, Pool, Ryan, Wendell, and West—16.

Motion lost.

Bill ordered engrossed.

RESOLUTION.

By Mr. Ryan (by leave):

Resolved, That each and every one of the standing committees of this Senate be and they are hereby directed to report all bills which have been in their hands more than five days.

Adopted.

REPORT OF COMMITTEE.

By Mr. Wendell (by leave):

SENATE CHAMBER, SACRAMENTO, February 12, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 164—An Act to amend title four, chapter two, of the Code of Civil Procedure, in relation to the enforcement of liens—have had the same under consideration, and report the same back and recommend that it do not pass.

Also, Senate Bill No. 350—An Act in relation to the proof of the incorporation of foreign corporations—and recommend its passage.

Also, Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment—with an amendment to the title, and recommend its passage as amended.

Also, Assembly Bill No. 23—An Act to amend section six hundred and eight of the Code of Civil Procedure, relating to the change of the Court to the jury—and exceptions thereto, and recommend its passage.

WENDELL, Chairman.

RESOLUTION.

By Mr. Hill (by leave):

Resolved, That, commencing Tuesday, February fifteenth, eighteen hundred and eighty-one, the Senate hold evening sessions, each day, commencing at seven o'clock and thirty minutes, at which sessions nothing shall be in order save the consideration of the General File; *provided*, the Senate may, by a two-thirds vote, place other business for consideration at said evening sessions.

Laid over one day, under the rules.

Senate Bill No. 217—An Act to provide for bridges across navigable streams.

Read second time.

Substitute adopted and ordered engrossed.

Senate Bill No. 225—An Act to provide for an additional Judge of the Superior Court of the County of Alameda.

Read second time and ordered engrossed.

It appearing that there was not a quorum present, the roll was called, and the following Senators answered to their names:

Messrs. Burt, Brown, Carlock, Cheney, Conger, Davis, Enos, Glascock, Hill, Hittell, Johnson, Kane, Moreland, Nye, Pardee, Pool, Ryan, Sears, Watson, Wendell, and West.

Quorum present.

Senate Bill No. 262—An Act to authorize the Boards of Supervisors of the several counties in the State to grant franchises and privileges to corporations, associations, or individuals.

Read second time and ordered engrossed.

ADJOURNMENT.

At four o'clock and fifty minutes p. m., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 14, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, and West.

Quorum present.

The Journal of Saturday read and approved.

Mr. Davis moved to make Senate Bill No. 347 the special order for to-morrow, at two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Sears, Burt, and Davis, and the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Davis, Dickinson, Enos, Glascock, Hill, Hittell, Hudson, Johnson, Johnston, Langford, Moreland, Nye, Satterwhite, and Wendell—16.

NOES—Messrs. Burt, Brown, Carlock, Conger, George, Gorman, Kane, Lampson, Neumann, Pardee, Pool, Ryan, Sears, and Watson—14.

Motion lost.

SECOND READING OF BILLS.

Senate Bill No. 40—An Act to establish a uniform system of county governments.

Consideration of Senate Bill No. 40 resumed.

Mr. Sears offered the following amendment: Strike out from line four, section four thousand one hundred and twenty-nine, printed bill, the word "seven," and insert "six."

Mr. Enos offered the following amendment to the foregoing amendment: Strike out all after the word "thereto" in line three, section four thousand one hundred and twenty-nine, printed bill, in article five.

Upon the amendment to the amendment, offered by Mr. Enos, the ayes and noes were demanded by Messrs. Conger, Enos, and Lampson, and the roll was called, with the following result:

AYES—Messrs. Conger, Davis, Dickinson, Enos, Johnson, Johnston, Kane, Lampson, Neumann, and West—10.

NOES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, George, Glascock, Gorman, Hill, Hittell, Hudson, Moreland, Nye, Pardee, Ryan, Satterwhite, Sears, Watson, and Wendell—19.

Motion lost.

The question recurring upon the amendment offered by Mr. Sears, the ayes and noes were demanded by Messrs. Conger, Chase, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Brown, Carlock, Conger, Davis, Dickinson, Enos, George, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Lampson, Moreland, Pardee, Sears, and West—18.

NOES—Messrs. Anderson, Chase, Cheney, Glascock, Hittell, Neumann, Nye, Ryan, Satterwhite, Watson, and Wendell—11.

Amendment adopted.

Mr. Wendell offered the following amendment: Amend by inserting the word "therein," in section four thousand one hundred and thirty, fourth line, between the words "published" and "then."

Adopted.

Senator Brown in the chair.

Mr. Johnson offered the following amendment: I move to amend section four thousand one hundred and seventy-one by inserting after the word "recorded," in line two of said section, printed bill, page forty-three, the words, "and the fees for recording the same."

Adopted.

Mr. Satterwhite offered the following amendment to section four thousand two hundred and twenty: Strike out the words, "one half to be paid to the Recorder," on page fifty-one, printed bill.

A division of the vote being demanded, the motion was lost by the following vote: Ayes, 10; noes, 12.

Mr. Enos offered the following amendment: Strike out all of lines three and four, in section four thousand two hundred and twenty.

REPORT OF COMMITTEE.

By Mr. George (by leave):

SENATE CHAMBER, February 11, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report as correctly engrossed the following Senate bills, viz.,

Senate Bill No. 19—An Act to repeal section two of an Act entitled "An Act fixing the compensation of certain officers of the County of Humboldt," approved February fourteenth, A. D. eighteen hundred and seventy-four.

Also, Senate Bill No. 113—An Act to amend section one thousand eight hundred and fifty-eight of the Political Code, relating to public schools.

Also, Senate Bill No. 143—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases, from Justice or Police Courts, to the Superior Courts.

Also, Senate Bill No. 163—An Act to amend section three hundred of the Penal Code, in relation to keeping open places of business on Sunday.

Also, Senate Bill No. 230—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

Also, Senate Concurrent Resolution No. 12—Relative to the payment of claims for transporting and equipment of troops.

Also, Senate Bill No. 287—An Act to divide the State into drainage and irrigation districts.

Also, Senate Bill No. 259—An Act to pay the claim of J. L. Farr.

Also, Senate Bill No. 209—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, to prevent the sale of liquors and tobacco to minors.

Also, Senate Bill No. 223—An Act to add another section to the Penal Code (chapter seven, title seven, part one), to prohibit persons from practicing law without a license from the Supreme Court.

Also, Senate Bill No. 212—An Act to empower societies for the prevention of cruelty to animals to take money under wills.

Also, Senate Bill No. 8—An Act, making appropriations for deficiencies for the support of the State Prison at San Quentin, and for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Also, Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have, by mistake, been withheld therefrom and appropriated to other State purposes.

Also, Senate Bill No. 149—An Act to amend section three thousand eight hundred and sixty-six of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to settlement of County Treasurers with the State Controller, and payments into the State treasury.

Also, Senate Bill No. 176—An Act to provide compensation for assessing, collecting, and paying the public revenue into the State treasury.

Also, Senate Bill No. 256—An Act to amend an Act entitled an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March twenty-fifth, eighteen hundred and eighty.

Also, Senate Bill No. 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Also, Senate Bill No. 286—An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected.

Also, Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Alderman, or other legislative body of any city or county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one of article fourteen of the Constitution, and prescribing penalties for the non-performance of such duties.

Also, Senate Bill No. 217—An Act to provide for bridges across navigable streams.

Also, Senate Bill No. 225—An Act to provide for an additional Judge of the Superior Court of the County of Alameda.

Also, Senate Bill No. 262—An Act to authorize the Boards of Supervisors of the several counties in this State to grant franchises and privileges to corporations, associations, or individuals.

GEORGE, Chairman.

Consideration of Senate Bill No. 40 resumed.

The question recurred upon the amendment proposed by Mr. Enos.

Lost.

Mr. Johnson moved that the pending bill be made the special order for to-morrow morning, immediately after roll call, and to be so continued until disposed of.

Mr. Johnson moved that the hour of recess be temporarily postponed.

So ordered.

The question recurring upon the motion to make the pending bill the special order, the ayes and noes were demanded by Messrs. Johnson, Burt, and Lampson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Chase, Dickinson, George, Hill, Hudson, Johnson, Johnston, Lampson, Moreland, Pardee, Sears, Watson, Wendell, and West—17.

NOES—Messrs. Conger, Davis, Enos, Glascock, Gorman, Hittell, Kane, Langford, Pool, Ryan, and Satterwhite—11.

Motion lost.

RECESS.

The time having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, and West.

Quorum present.

REPORTS OF COMMITTEES.

By Mr. Wendell (by leave):

SENATE CHAMBER, SACRAMENTO, February 14, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen, of title three, chapter one, articles three and four, and section two hundred and forty-one of article —, of an Act entitled an Act to establish a Code of Civil Procedure, approved March

eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 207—An Act to amend section three hundred and ninety-eight of the Code of Civil Procedure, in relation to the transfer of causes of action when the Judge or Justice is disqualified—and recommend its passage.

Also, Assembly Bill No. 133—An Act to provide for the deficiency in the appropriation for the State portion of salaries of Superior Court Judges during the thirty-first fiscal year—and recommend its passage.

Also, Assembly Bill No. 208—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to trusts—and recommend its passage.

Also, Assembly Bill No. 55—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders—and recommend its passage.

Also, Assembly Bill No. 200—An Act to amend section one thousand and forty-two of an Act entitled an Act to establish a Penal Code of the State of California, approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury—and recommend that it do not pass.

Also, Assembly Bill No. 167—An Act to amend sections four hundred and twelve, four hundred and sixteen, and eight hundred and forty-nine of the Code of Civil Procedure, and to add three new sections to said Code, to be numbered respectively four hundred and seventeen, four hundred and eighteen, and four hundred and nineteen, all relating to process in civil actions for obtaining jurisdiction over non resident defendants—and recommend that it do not pass.

Also, Senate Bill No. 346—An Act to amend section one thousand four hundred and two of the Civil Code, relating to the disposition of the community property upon the death of the husband—and recommend its passage.

Also, Senate Bill No. 294—An Act relating to the appointment of receivers of corporations—with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 237—An Act to repeal an Act entitled "An Act entitled an Act to district the City of Oakland into wards," approved February nineteenth, eighteen hundred and seventy-six—and recommend that the author have leave to withdraw the same.

Also, Senate Bill No. 135—An Act to authorize County Clerks of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled "An Act for the relief of the inhabitants of cities and towns upon the public lands," approved March second, eighteen hundred and sixty-seven—and recommend that it do not pass.

Also, Senate Bill No. 325—An Act to amend sections two hundred and seventy-six and two hundred and seventy-seven of the Code of Civil Procedure, relating to attorneys and counselors at law—and recommend that it do not pass.

Also, Senate Bill No. 343—An Act to amend section fifty-three of the Code of Civil Procedure, relating to the jurisdiction of the Supreme Court on appeal—and recommend that it do not pass.

Also, Senate Bill No. 340—An Act to add a new section to the Penal Code of the State of California, to be known as section six hundred and ninety, relating to the reimbursement of attorneys for money necessarily expended by them in the defense of indigent persons charged with crime, when such attorneys have been appointed by the Court—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 299—An Act to amend section number three hundred and twenty-four of the Civil Code, relating to corporations—and recommend that it do not pass.

Also, Senate Bill No. 326—An Act adding a new section to the Penal Code of the State of California, relating to confinement in the asylum for the insane of persons committing murder while insane—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 329—An Act to amend the law relating to persons of unsound mind—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 327—An Act to protect the people of the State against the danger of temporary or emotional insanity—and recommend that it be indefinitely postponed.

Also, Senate Concurrent Resolution No. 23—Relative to certain lands in San Joaquin County claimed by Andreas Pico—and recommend that it be indefinitely postponed.

WENDELL, Chairman.

By Mr. Wendell (by leave):

MR. PRESIDENT: The Committee on County and Township Governments, to whom was referred Senate Bill No. 305—An Act to provide for the formation of new counties—have had the same under consideration, and report the same back, and recommend that it do not pass.

WENDELL, Chairman.

By Mr. Pardee (by leave):

SENATE CHAMBER, SACRAMENTO, February 14, 1881.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 285—An Act to amend sections three thousand six hundred and seventeen, three thousand six hundred and twenty-nine, three thousand six hundred and thirty-three, three thousand six hundred and forty-four, three thousand six hundred and forty-nine, three thousand six hundred and fifty,

three thousand six hundred and fifty-one, three thousand six hundred and fifty-three, three thousand six hundred and fifty-four, three thousand six hundred and fifty-five, three thousand six hundred and fifty-six, three thousand six hundred and seventy-two, three thousand six hundred and seventy-nine, three thousand six hundred and eighty-two, three thousand six hundred and ninety-three, three thousand seven hundred and four, three thousand seven hundred and twenty-seven, three thousand seven hundred and twenty-eight, three thousand seven hundred and twenty-nine, three thousand seven hundred and thirty-four, three thousand eight hundred and forty, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-eight, three thousand eight hundred and sixty, and three thousand eight hundred and eighty-one of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the subject of providing revenue for the support of the government of the State of California—beg leave to report that they have had the same under consideration, have amended it, and report the same back with recommendation that it pass as amended.

PARDEE, Chairman.

THIRD READING OF BILLS.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Read third time.

Amendments of committee adopted, and the bill failed to pass by the following vote:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Davis, Dickinson, Gorman, Johnston, Neumann, Nye, Sears, Watson, and West—13.

NOES—Messrs. Conger, Glascock, Hill, Hittell, Johnson, Kane, Lampson, Langford, Moreland, Pardee, Ryan, Satterwhite, and Wendell—13.

Mr. Johnson gave notice of motion to reconsider.

Assembly Bill No. 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and to appropriate money to pay the same.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Ryan, Satterwhite, Wendell, and West—24.

NOES—Messrs. Hittell, Sears, and Watson—3.

Title read and approved.

Senate Bill No. 19—An Act to repeal section two of an Act entitled an Act fixing the compensation of certain officers of the County of Humboldt, approved February fourteenth, A. D. eighteen hundred and seventy-four.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, and West—31.

NOES—None.

Title read and approved.

Senate Bill No. 113—An Act to amend section one thousand eight hundred and fifty-eight of the Political Code, relating to public schools.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Watson, Wendell, and West—29.

NOES—None.

Title read and approved.

Senate Bill No. 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases from Justice or Police Courts to the Superior Courts.

Read third time, and amendments of committee adopted, and passed by the following vote:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Wendell, and West—29.
 NOES—None.

Title read and approved.

Senate Bill No. 163—An Act to amend section three hundred of the Penal Code, in relation to keeping open places of business on Sunday.

Read third time, and failed to pass by the following vote:

AYES—Messrs. Anderson, Brown, Carlock, Cheney, George, Hill, Johnson, Johnston, Moreland, Nye, Pardee, Ryan, Satterwhite, Wendell, and West—15.
 NOES—Messrs. Chase, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Hittell, Hudson, Kane, Lampson, Langford, Pool, and Sears—14.

Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

Read third time, and failed to pass by the following vote:

AYES—Messrs. Anderson, Carlock, Cheney, Davis, Dickinson, Enos, Gorman, Hill, Hittell, Hudson, Lampson, Langford, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, and West—19.
 NOES—Messrs. Brown, Chase, Conger, George, Glascock, Johnson, Johnston, Kane, Moreland, Nye, and Wendell—11.

Mr. Wendell gave notice of motion to reconsider.

Senate Concurrent Resolution No. 12—Relative to the payment of claims for transporting and equipment of troops.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Hill, Johnson, Johnston, Lampson, Langford, Moreland, Pardee, Pool, Ryan, Satterwhite, Watson, and West—23.
 NOES—Messrs. Gorman, Hudson, Kane, Nye, and Wendell—5.

Title read and approved.

Senate Bill No. 287—An Act to divide the State into drainage and irrigation districts.

Read third time.

Mr. Dickinson moved to recommit the bill to the author, with instructions to strike out, in lines four and five of section three, printed bill, the words "and that the law of riparian rights and ownership as to land and water shall not prevail in said irrigable district."

Lost.

President pro tem. in the chair.

The question recurring upon the passage of the bill, the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Davis, Enos, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, and West—23.

NOES—Messrs. Burt, Conger, Dickinson, George, Hittell, Lampson, Nelson, Neumann, Watson, and Wendell—10.

Bill passed.

Mr. Johnson moved to amend the title by adding thereto as follows: "And to abolish riparian rights in the irrigable districts."

Upon which motion the ayes and noes were demanded by Messrs. Neumann, Sears, and Davis, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Enos, George, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, and West—29.

NOES—Messrs. Conger, Dickinson, Hittell, Lampson, and Neumann—5.

Carried.

Title read as amended and approved.

Senate Bill No. 259—An Act to pay the claim of J. L. Farr.

Read third time, and failed to pass by the following vote:

AYES—Messrs. Anderson, Brown, Carlock, Cheney, Davis, Dickinson, George, Gorman, Johnson, Johnston, Kelly, Pool, Ryan, and Watson—14.

NOES—Messrs. Baker, Burt, Chase, Conger, Enos, Glascock, Hill, Hittell, Hudson, Kane, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Sears, Wendell, and West—19.

Mr. West gave notice of motion to reconsider.

Senate Bill No. 200—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, to prevent the sale of liquors and tobacco to minors.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Nye, Pardee, Pool, Sears, Watson, Wendell, and West—25.

NOES—Messrs. Anderson, Hittell, Lampson, Nelson, and Neumann—5.

Title read and approved.

Senate Bill No. 223—An Act to add another section to the Penal Code (chapter seven, title seven, part one), to prohibit persons from practicing law without a license from the Supreme Court.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Davis, Enos, Glascock, Gorman, Hittell, Johnston, Kelly, Lampson, Langford, Neumann, Pardee, Pool, Sears, Wendell, and West—21.

NOES—Messrs. Chase, George, Hill, Hudson, Kane, and Nye—6.

Title read and approved.

Senate Bill No. 242—An Act to empower societies for the prevention of cruelty to animals to take money under wills.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, and West—31.

NOES—Mr. Nye—1.

Title read and approved.

Senate Bill No. 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin, and for the com-

pletion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Conger, Dickinson, Enos, George, Glascock, Hill, Hittell, Johnson, Johnston, Lampson, Langford, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, and West—26.

NOES—Mr. Chase.

Title read and approved.

Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have, by mistake, been withheld therefrom and appropriated to other State purposes.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, and Wendell—32.

NOES—None.

Title read and approved.

Senate Bill No. 140—An Act to amend section three thousand eight hundred and sixty-six of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to settlement of County Treasurers with the State Controller, and payments into the State treasury.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, and West—33.

Title read and approved.

Senate Bill No. 176—An Act to provide compensation for assessing, collecting, and paying the public revenue into the State treasury.

Read third time.

Mr. Brown moved to recommit the bill to the author, with instructions to amend by striking out "ten," and inserting "twenty."

Lost.

Mr. Hittell moved to recommit, with instructions to insert the words, "other than poll taxes," after the second word, "taxes," in line five, of page one, printed bill.

Carried.

Bill reported back by the author amended as instructed.

Senate Bill No. 236—An Act to amend an Act entitled an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March twenty-fifth, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Pool, Ryan, Sears, Wendell, and West—26.

NOES—Messrs. Brown, Moreland, Nelson, and Watson—4.

Title read and approved.

Senate Bill No. 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, and West—31.

NOES—Mr. Kane—1.

Title read and approved.

Senate Bill No. 286—An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Langford, Nelson, Neumann, Ryan, Satterwhite, and West—21.

NOES—Messrs. Burt, Johnston, Moreland, Sears, and Wendell—5.

Title read and approved.

Mr. Davis gave notice of motion to reconsider the vote by which Senate Bill No. 287 was passed.

Senate Bill No. 272.

Passed on file.

Senate Bill No. 217—An Act to provide for bridges across navigable streams.

Secretary ordered to correct section two, line three, by striking out the word "contract" and inserting the word "construct."

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Ryan, Satterwhite, Sears, Watson, and West—28.

NOES—Messrs. George, Hittell, and Wendell—3.

Title read and approved.

Senate Bill No. 225—An Act to provide for an additional Judge of the Superior Court of the County of Alameda.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Hill, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Ryan, Sears, Watson, Wendell, and West—26.

NOES—Messrs. Glascock, Kane, Moreland, and Satterwhite—4.

Title read and approved.

Senate Bill No. 262—An Act to authorize the Boards of Supervisors of the several counties in the State to grant franchises and privileges to corporations, associations, or individuals.

Read third time, and passed by the following vote:

AYES—Messrs. Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Watson, Wendell, and West—30.

NOES—Mr. Kane—1.

Title read and approved.

Mr. Johnson moved to take up the resolution heretofore introduced by Mr. Hill, regarding the holding of night sessions.

Mr. Johnson moved to amend the original resolution by striking out Tuesday, the fifteenth, and inserting Friday, the eighteenth.

ADJOURNMENT.

Pending consideration of the resolution, on motion of Mr. Watson, at four o'clock and forty-five minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 15, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampton, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

PETITION.

By Mr. Chase: Petition of Mr. H. A. Garland, and fifty others, citizens of Santa Barbara, asking for the passage of a local option law.

Read, and referred to the Judiciary Committee.

REPORTS OF COMMITTEES.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, February 14, 1881.

MR. PRESIDENT: The Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 178—An Act to amend section four thousand four hundred and forty-five of the Political Code, in relation to the funding and refunding of city indebtedness, have had the same under consideration, and report the same back without recommendation.

Also, Senate Bill No. 208—An Act to regulate the bonds of Treasurers, Tax Collectors, Sheriffs, or other public officers having the collecting, disbursing, or charge of public moneys in their official capacity, in any city and county, or incorporated city or town, or any incorporated city and county in this State—and report the same back without recommendation.

HITTELL, Chairman.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, February 15, 1881.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 351—An Act to authorize the California Water and Mining Company to construct and operate a railroad, and to supply the inhabitants of the City and County of Sacramento, and other persons, parties, and corporations, with pure water—have had the same under consideration, and report the same back, and recommend that the author have leave to withdraw it.

Also, Senate Bill No. 111—An Act to regulate the admission into this State of fire, marine, inland, and guarantee insurance companies or associations not incorporated under the laws of the State of California— and recommend that it do not pass.

Also, Senate Bill No. 151—An Act relative to foreign insurance companies— and recommend that it be indefinitely postponed.

Also, Senate Bill No. 169—An Act relative to insurance risks and policies— without recommendation.

Also, Senate Bill No. 170—An Act to add four new sections to the Political Code, to be known as sections six hundred and thirty-five, six hundred and thirty-six, six hundred and thirty-seven, and six hundred and thirty-eight, prescribing additional duties to the Insurance Commissioner—and recommend that the author have leave to withdraw it.

Also, Senate Bill No. 184—An Act entitled "An Act to amend article twelve of the Constitution of the State of California"—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 192—An Act to add certain new sections to the Civil Code of the State of California, to be known as and numbered sections six hundred and thirty-three, six hundred and thirty-four, six hundred and thirty-five, six hundred and thirty-six, six hundred and thirty-seven, and six hundred and thirty-eight (division first, part four, title fifteen), relating to gas corporations— without recommendation.

Also, Senate Bill No. 207—An Act to add certain new sections to the Civil Code, concerning gas corporations (part four, title fifteen)—without recommendation.

Also, Senate Bill No. 90—An Act to prescribe the form of a policy of fire insurance to be used in California—without recommendation.

Also, Senate Bill No. 89—An Act in relation to companies or corporations transacting fire, marine, or inland insurance in California, and prescribing as to rate of dividends, liabilities of stockholders, transfer of stock, value of policy, provisions as to arbitration, and statement of assets— without recommendation.

Also, Senate Bill No. 55—An Act to prevent discrimination by gas companies in the State of California— and the majority of the committee report the same back without recommendation and minority report against its passage.

Also, Senate Bill No. 333—An Act to amend sections five hundred and ninety-six and six hundred and thirty-three of the Political Code, relating to life insurance— and the majority report the same back without recommendation, and the minority recommend that it do not pass.

Also, Senate Bill No. 334—An Act to amend section four hundred and fifty of the Civil Code, and to add two new sections thereto, to be numbered four hundred and fifty-one and four hundred and fifty-two, relating to life insurance— and the majority report the same back without recommendation, and the minority recommend that it do not pass.

SEARS, Chairman.

By Mr. Sears:

MR. PRESIDENT: The minority of your Committee on Corporations, to whom was referred Senate Bill No. 55—Entitled "An Act to prevent discrimination by gas companies in the State of California"—recommend that said bill do not pass, for the following reasons: It compels all gas companies to furnish gas to all persons at the same price: it fixes the lowest price at which gas is or may be supplied to any consumer as the maximum for all others; it destroys that old and well established business rule so common in all trades of wholesale and retail: it compels companies to sell one hundred feet of gas to one person at the same price that it would sell one hundred thousand feet to another person: it prohibits companies from supplying charitable institutions, and poor families at reduced rates: it gives the penalty to the person against whom any discrimination is made, and offers a premium for immovable law suits: it is very defective in its provisions and injurious in its results.

TRAYLOR,

SEARS,

POOL,

For Minority Committee.

Mr. Enos moved that Senate Bill No. 55 resume its place on the file where it stood before its committal.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Chase, and Dickinson, and the roll was called, with the following result:

AYES—Messrs. Burt, Chase, Davis, Dickinson, Enos, Glasecock, Gorman, Hill, Kane, Kelly, Moreland, Nelson, Pardee, Pool, Ryan, Satterwhite, and West—17.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, George, Harlan, Hudson, Johnson, Johnston, Langford, Nye, Sears, Watson, and Zuck—14.

So ordered.

COMMUNICATION FROM SECRETARY OF STATE.

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
SACRAMENTO, February 12, 1881.

To Hon. John Mansfield, President of the Senate:

SIR: Herewith find statement showing population of the State of California according to returns from the United States Census Office.

The following includes Chinese and Japanese.

D. M. BURNS, Secretary of State.

	Total.	Males.	Females.	Native.	Foreign.	White.	Colored.
Alameda	62,972	34,679	28,293	40,229	22,743	57,787	5,185
Alpine	539	383	156	314	225	521	18
Amador	11,386	7,218	4,168	7,459	3,927	9,932	1,454
Butte	18,721	12,754	5,967	12,491	6,230	14,273	4,448
Calaveras	9,094	5,985	3,109	5,745	3,349	7,833	1,261
Colusa	13,118	8,513	4,605	10,197	2,921	11,703	1,415
Contra Costa	12,525	7,603	4,922	8,135	4,390	11,712	813
Del Norte	2,584	1,774	810	1,749	835	1,731	853
El Dorado	10,685	7,088	3,597	6,973	3,712	8,878	1,807
Fresno	9,478	6,054	3,424	7,207	2,271	7,896	1,582
Humboldt	15,510	8,887	6,623	11,988	3,522	13,309	2,201
Inyo	2,928	1,863	1,065	2,247	681	2,198	730
Kern	5,601	3,708	1,893	3,764	1,837	4,563	1,038
Lake	6,596	3,832	2,764	5,537	1,059	5,340	1,256
Lassen	3,340	2,002	1,338	2,969	371	2,958	382
Los Angeles	33,379	18,486	14,893	26,138	7,241	31,699	1,680
Marin	11,325	7,910	3,415	6,518	5,007	9,793	1,532
Mariposa	4,339	3,009	1,330	2,508	1,831	3,397	942
Mendocino	12,800	7,330	5,270	10,393	2,407	11,187	1,613
Merced	5,656	3,800	1,856	3,958	1,698	5,021	635
Modoc	4,399	2,612	1,787	4,000	399	3,956	443
Mono	7,499	6,184	1,315	4,081	3,418	7,083	416
Monterey	11,302	6,656	4,646	8,637	2,665	10,648	654
Napa	13,235	7,873	5,362	9,024	4,211	12,151	1,084
Nevada	20,827	13,389	7,438	12,352	8,475	17,571	3,256
Placer	14,226	9,515	4,711	9,915	5,211	11,871	2,355
Plumas	6,180	4,404	1,776	3,697	2,483	4,764	1,416
Sacramento	34,391	21,387	13,004	21,897	12,494	28,926	5,465
San Benito	5,584	3,279	2,305	4,252	1,332	5,256	328
San Bernardino	7,786	4,354	3,435	6,699	1,087	6,990	796
San Diego	8,618	5,063	3,555	6,728	1,890	6,677	1,941
San Francisco	233,956	132,632	101,324	129,783	104,173	210,515	23,441
San Joaquin	24,354	14,800	9,554	17,187	7,167	21,999	2,355
San Luis Obispo	9,142	5,413	3,729	7,170	1,963	8,765	357
San Mateo	8,669	5,348	3,321	5,135	3,534	8,032	637
Santa Barbara	9,522	5,212	4,310	8,124	1,398	9,144	378
Santa Clara	35,039	20,073	14,966	23,648	11,391	32,114	2,925
Santa Cruz	12,801	7,248	5,553	9,638	3,163	12,084	717
Shasta	9,492	6,066	3,426	7,238	2,254	7,066	2,426
Sierra	6,623	4,740	1,883	3,457	3,166	5,338	1,285
Siskiyou	8,610	5,871	2,739	5,620	2,990	6,466	2,144
Solano	18,475	10,995	7,480	12,564	5,911	17,391	1,084
Sonoma	25,926	14,611	11,315	19,832	6,094	24,626	1,300
Stanislaus	8,751	5,605	3,146	6,725	2,026	8,186	565
Sutter	5,159	3,063	2,096	4,201	958	4,845	314
Tehama	9,302	5,901	3,401	7,558	1,744	8,231	1,071
Trinity	4,998	3,908	1,090	2,307	2,691	2,779	2,219
Tulare	11,281	6,542	4,739	9,891	1,390	10,757	524
Tuolumne	7,848	5,073	2,775	4,954	2,894	6,612	1,236
Ventura	5,073	2,865	2,208	4,153	920	4,850	223
Yolo	11,772	7,155	4,617	9,099	2,673	11,017	755
Yuba	11,270	7,369	3,901	7,012	4,258	8,805	2,465
Totals	864,686	518,271	346,415	572,006	292,680	767,266	97,420

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February eleventh, eighteen hundred and eighty-one, passed Assembly Bill No. 180—An Act to amend an Act entitled an Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice and various officers connected therewith, approved April first, eighteen hundred and eighty, and to prohibit Judges or Justices of the Peace from practicing law, or from acting as attorneys or agents in certain cases.

Also, on February twelfth, eighteen hundred and eighty-one, passed Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands.

Also, Assembly Bill No. 103—An Act for the relief of purchasers of State lands, and to regulate the foreclosing of titles to State lands for non-payment of interest.

J. M. WRIGHT,
Assistant Clerk.

Assembly Bill No. 180—As above, read first time, and referred to Judiciary Committee.

Assembly Bill No. 95—As above, read first time, and ordered on second reading file.

Assembly Bill No. 103—As above, read first time, and referred to Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. Hill: Senate Concurrent Resolution No. 33—Relating to constructing a breakwater in Monterey Bay, California.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Johnston (by request): Senate Bill No. 355—An Act to authorize the erection of a Sutter memorial and industrial exhibition building on the State Capitol grounds.

Read first time, and referred to Committee on Public Buildings.

By Mr. Lampson: Senate Bill No. 356—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant.

Read first time, and referred to Yosemite Committee.

SECOND READING OF BILLS.

Senate Bill No. 40 resumed.

INTRODUCTION OF BILLS.

By Mr. West (by leave): Senate Bill No. 357—An Act to create the County of Orange, to establish the boundaries thereof, and to provide for its organization.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Baker (by leave): Senate Bill No. 358—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March thirtieth, eighteen hundred and seventy-eight.

Read first time, and referred to Finance Committee.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 15, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report as correctly engrossed the following bill:

Senate Bill No. 176. An Act to provide compensation for assessing, collecting, and paying the public revenue into the State treasury.

GEORGE, Chairman.

SECOND READING OF BILLS.

Consideration of Senate Bill No. 40 resumed.

Mr. Enos moved to amend by striking out all after the word "provided," in line forty-nine, printed bill, section four thousand two hundred and twenty-one.

Lost.

Mr. Kane moved to amend by striking out from line forty-nine, section four thousand two hundred and twenty-one, printed bill, the word "two," and insert "three dollars."

Lost.

Mr. Baker offered the following: Amend, by striking out from line fifty-five, section four thousand two hundred and twenty-one, printed bill, the word "forty," and insert "thirty."

Upon which the ayes and noes were demanded by Messrs. Baker, Hill, and Harlan, and the roll was called, with the following result.

AYES—Messrs. Baker, Davis, George, Glascock, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Nelson, Pardee, Satterwhite, Sears, Traylor, West, and Zuck—17.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Hittell, Hudson, Langford, Moreland, Neumann, Nye, Ryan, and Wendell—18.

Amendment lost.

Mr. Wendell moved to amend section four thousand two hundred and twenty-one by adding the words: "*provided*, that the Board of Supervisors of the county may contract for the boarding of such prisoners with the lowest bidder, if the contract price does not exceed that above named."

Adopted.

Mr. Hittell moved to amend by inserting the words "in like manner" after the word "allowed" in line fifty-four of printed bill.

Lost.

Mr. Dickinson moved to amend by adding to line thirty-three, page fifty-three of printed bill, section four thousand two hundred and twenty-one: "*provided*, that the aggregate fee shall in no case exceed two hundred and fifty dollars."

Upon which motion the ayes and noes were demanded by Messrs. Nelson, Dickinson, and Enos, and the roll was called, with the following result:

AYES—Messrs. Byrnes, Dickinson, George, Harlan, Hittell, Hudson, Lampson, Langford, Nelson, Neumann, and Satterwhite—11.

NOES—Messrs. Anderson, Baker, Burt, Chase, Conger, Glascock, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Nye, Pardee, Ryan, Sears, Watson, Wendell, West, and Zuck—21.

Amendment lost.

Mr. Nye moved to amend by striking out from lines thirty-four and thirty-five, section four thousand two hundred and twenty-one.

printed bill, the words "or where the lands or property levied on has not been sold."

Adopted.

Mr. Johnson offered the following: I move to amend the bill by striking out section four thousand two hundred and twenty-two.

Adopted.

Mr. Johnson moved to amend section four thousand two hundred and twenty-three, line six, printed bill, by striking out "twelve" cents and inserting "ten."

Adopted.

Mr. Johnson moved to reconsider the vote by which the above amendment was adopted.

Carried.

Mr. Johnson had leave to withdraw his motion to amend.

Mr. Nye moved to amend by striking out all of line twenty-two, section four thousand two hundred and twenty-three, printed bill, and insert in line twenty-one, after "affirmation," the words "and certifying same."

RECESS.

Pending consideration thereof, the time having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

REPORT OF COMMITTEE.

By Mr. Johnson (by leave):

SENATE CHAMBER, SACRAMENTO, February 15, 1881.

MR. PRESIDENT: Your Committee on Apportionment, to whom was referred Senate Bill No. 119—An Act to divide this State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein—report that they have had the same under consideration, and report the same back, recommending the adoption of a substitute therefor, which substitute accompanies this report.

JOHNSON, Chairman.

Mr. Johnson moved that the above bill be made the special order for Thursday morning next, immediately after the reading of the Journal.

Upon which motion, the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, and West—24.

NOES—Messrs. Anderson, Enos, Glasecock, Gorman, Harlan, Kane, Kelly, Moreland, Nelson, Pool, Ryan, and Satterwhite—12.

Carried.

Mr. Wendell now moved, pursuant to notice given, that the vote by which Senate Bill No. 250 failed to pass be now reconsidered.

Carried.

Mr. Johnson moved that the usual number of copies of the substitute for Senate Bill No. 119 be printed.

So ordered.

Mr. Dickinson moved that the motion to reconsider the vote by which Senate Bill No. 287 was passed, be made the special order for Thursday next, at two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Satterwhite, Hill, and West.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hittell, Kane, Kelly, Lampson, Nelson, Neumann, Pool, Ryan, and Watson—21.

NOES—Messrs. Carlock, Chase, Davis, Glascock, Hill, Hudson, Johnston, Moreland, Nye, Satterwhite, Sears, and West—12.

Carried.

Mr. West now moved, pursuant to notice given, that the vote by which Senate Bill No. 259 was lost, be reconsidered.

Upon which motion the ayes and noes were demanded by Messrs. Pardee, Enos, and West.

The roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Cheney, Davis, Dickinson, Enos, George, Gorman, Hudson, Johnson, Johnston, Kelly, Nye, Pool, Ryan, Sears, Watson, and West—20.

NOES—Messrs. Baker, Burt, Brown, Chase, Conger, Glascock, Harlan, Hill, Hittell, Kane, Lampson, Moreland, Nelson, Pardee, Satterwhite, and T aylor—16.

Carried.

The question recurring upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Cheney, Davis, Dickinson, Enos, Gorman, Hudson, Johnson, Johnston, Kelly, Nye, Pool, Ryan, Watson, and West—17.

NOES—Messrs. Baker, Burt, Brown, Chase, Conger, George, Glascock, Harlan, Hill, Hittell, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Satterwhite, Sears, and T aylor—20.

The bill failed to pass.

THIRD READING OF BILLS.

Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body, of any city or county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one, of article fourteen, of the Constitution, and prescribing penalties for the non-performance of such duties.

Read third time.

The hour for third reading of bills having expired, Mr. Dickinson moved that the consideration of the pending bill be continued until disposed of.

So ordered.

Senator Brown in the chair.

Mr. Dickinson moved a call of the House.

Carried.

Upon which the roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, West, and Zuck.

Mr. Hittell asked leave of absence for Mr. Wendell for the remainder of the day.

Granted.

On motion of Mr. Dickinson further proceedings under the call were dispensed with.

The question recurring upon the passage of the bill, the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Chase, Conger, Dickinson, Enos, Glascock, Gorman, Hill, Hudson, Johnson, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Sears, and Zuck—23.

NOES—Messrs. Baker, Carlock, Cheney, Davis, George, Harlan, Hittell, Johnston, Langford, Nye, Pardee, Traylor, Watson, and West—14.

Bill passed.

Title read and approved.

Mr. Sears gave notice of motion to reconsider.

Mr. Johnson, pursuant to notice given, moved that the reconsideration of the vote by which Assembly Bill No. 12 was lost, be made the special order for Thursday next, at two o'clock p. m.

So ordered.

REPORT OF COMMITTEE.

By Mr. Hudson (by leave):

SENATE CHAMBER, SACRAMENTO, February 15, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Concurrent Resolution No. 15, and that the same has this day been placed in the hands of the Governor, at eleven o'clock and fifteen minutes a. m.

HUDSON, Chairman.

By Mr. Hittell (by leave):

SENATE CHAMBER, SACRAMENTO, February 15, 1881.

MR. PRESIDENT: The Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 110—An Act to limit the rate of taxation for municipal purposes in cities and consolidated cities and counties of the State of California—have had the same under consideration, and report the same back without recommendation.

HITTELL, Chairman.

By Mr. Neumann (by leave):

SENATE CHAMBER, SACRAMENTO, February 15, 1881.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 28, report the same back, and recommend its passage.

NEUMANN, Chairman.

ADJOURNMENT.

At four o'clock and thirty-five minutes p. m., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 16, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Johnson now moved, pursuant to notice given, that the vote by which Senate Bill No. 272 was passed be reconsidered.

Mr. Dickinson moved to lay the motion upon the table.

Upon which motion the ayes and noes were demanded by Messrs. Hill, Chase, and George, and the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Kane, Lampson, Moreland, Pool, Ryan, Watson, and West—21.

NOES—Messrs. Anderson, Baker, Cheney, Davis, Hittell, Hudson, Johnson, and Nye—8.

Carried.

Mr. Sears, Mr. Dickinson, and Mr. Johnson each arose to a question of privilege, relating to action just had on Senate Bill No. 272.

Mr. Davis moved to make Senate Bill No. 347 the special order for to-morrow at three o'clock p. m.

Upon which motion the ayes and noes were demanded by Messrs. Anderson, Chase, and Davis, and the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Davis, Glascock, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Satterwhite, Traylor, and West—17.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Enos, George, Gorman, Hill, Kane, Pardee, Pool, Ryan, and Watson—16.

Motion lost.

REPORTS OF COMMITTEES.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, February 15, 1881.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 186—An Act amending an Act entitled "An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidated districts," approved April sixteenth, eighteen hundred and eighty—have had the same under consideration, and report the same back, and recommend that it do pass.

JOHNSTON, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, February 16, 1881.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 198, have had the same under consideration, and report the same back and recommend its passage.

Also, Assembly Bill No. 85, and report it back without recommendation.

DICKINSON, Chairman.

MR. PRESIDENT: The undersigned, a minority of your Committee on Commerce and Navigation, beg leave to report in favor of indefinite postponement of Senate Bill No. 85, for the reason that there is no necessity for the steam launch called for by said bill.

W. W. TRAYLOR.

MEMORIAL.

By Mr. Johnston (by leave):

To the honorable the Senate and Assembly of the State of California:

The undersigned, your memorialists, respectfully represent that they are members of the Pioneer Association of this State, and represent the opinions of our several societies, as well as the early immigrants to this State, and probably of the people of the State, in the matter we have the honor to propose for your consideration. To General John A. Sutter, more than to any other man, are we indebted for the easy acquisition of California as American territory, for the discovery of gold in our mountains, for the protection of our early immigrants, and our prosperity as a State.

Our country owes to his memory both gratitude and honor, debts which we as a State should be quick to pay. When living he was devoted to American interests, from a strong sentiment of patriotism, and had an intense desire to be worthy of living in the memory of the people as a benefactor of our common country.

General Sutter died at the City of Washington, on the eighteenth of June, eighteen hundred and eighty, in the seventy-seventh year of his age. His life, for nearly sixty years, was an eventful one. Born in eighteen hundred and three, in Baden, the son of a clergyman, he received a good civil and military education. After some military service, in which he held the rank of Captain, both in France and Spain, he emigrated to the United States when he was thirty-one years of age, and immediately proceeded to the frontiers of Missouri, where he remained several years. In eighteen hundred and thirty-eight he joined a party of trappers bound for Oregon. He parted with this company in the Rocky Mountains, and after much adventure and hardship, reached Fort Vancouver with six men. His destination from the time he left Missouri was the valley of the Sacramento River, some knowledge of which he had gained from the stories of hunters and trappers.

From Vancouver he sought to reach Yerba Buena by sea, and was obliged to sail first to the Sandwich Islands, thence to Sitka, from whence he reached California soil at Monterey in July, eighteen hundred and thirty-nine. He hastened to explore the Sacramento River. He found its mouth after a long search, and went up it as far as Feather River. Returning, he entered the mouth of the American, and landed on the fifteenth of August, eighteen hundred and thirty-nine, not far from where he afterward built his fort. Here he at once commenced the establishment of his colony. He had obtained permission from Governor Alvarado at Monterey to settle anywhere in Northern California. The Indians were numerous and hostile, but he conquered a peace with them by his prowess, and his skill and kindness in dealing with them. In August, eighteen hundred and forty, his colony numbered seventeen white men, besides Kanakas and Indians. In eighteen hundred and forty-one the Mexican Government granted him the lands upon which he had settled, to the extent of eleven square leagues. From this time his colony increased rapidly. He was encouraged and trusted by the Mexican Governors of California, and he rendered them valuable aid in administering and upholding their authority, both civil and military. In eighteen hundred and forty-five, Governor Micheltoreno made him an additional grant of twenty-two leagues of land. His possessions extended from Las Tres Picos, in latitude 39°, 41', 45" on the north, to latitude 38°, 49', 2" on the south, and were bounded rather indefinitely by the margins of the Rio Sacramento and the "Rio de los Plumas." He purchased all the property of the Russian Fur Company at Fort Ross on the coast, contracting to pay for it in wheat, and transported all of it available for his uses to New Helvetia. His fort and establishment became a point around which American settlers in Northern California gathered. The Mexican Government, appreciating the strength and importance of this frontier post, and anticipating a collision with the United States, in November, eighteen hundred and forty-five, sent an embassy of its most influential representatives to Captain Sutter, and sought with offers of money, and the more tempting offers of high rank in the Mexican military service, to obtain control of the fort, by garrisoning it with Mexican soldiers and officers. But Sutter, who could not then in his isolated situation foresee the war, was yet true to his own sentiments, and to American interests, and firmly rejected all proposals of the Mexican delegation. Soon after this Governor Castro organized a force in Southern California to take Sutter and his fort; to meet which Captain Sutter prepared a manful resistance. Other events contributed to frustrate Castro's enterprise. On the eleventh of July, eighteen hundred and forty-six, four days after Commodore Sloat raised the American flag at Monterey, Captain Sutter hoisted the stars and stripes over his fort at New Helvetia. He continued to prosper, and to improve his colony and lands. He had large tracts under cultivation, and was successfully engaged in all the enterprises and improvements which his situation and the conspicuous figure which he occupied demanded. The fort, originally erected as a defense against all who might be enemies, and to overawe and subdue the Indians, was now a hive of trade and mechanical industry. One of Captain Sutter's improvements was a sawmill on the south fork of the American River, about forty miles above the fort. While engaged in enlarging the tailrace of the mill, James W. Marshall, employed to manage the business, on the nineteenth of January,

eighteen hundred and forty-eight, made the discovery which revolutionized affairs in California and electrified the whole world. The effects of this discovery upon the fortunes of the founder of New Helvetia, upon California, which was then governed by military officers, and upon the whole people of the United States, as well as the people of other countries, were instantaneous, and are sufficiently well known to the current history of those times.

General Sutter was endowed with a genius for enterprise. He had all the qualities of a pioneer in the highest sense. Had not his plans been frustrated by the discovery of gold it is not to be doubted that his operations in the valley of the Sacramento would have laid the foundations of a State even within his own time. It was not within the scope of human genius to control the forces that were evoked into activity by that potent event. His arm could not stay the avalanche that overwhelmed him, that left his sawmill at Coloma, his flouring mill at Brighton, his fort and embarcadero at New Helvetia in ruins. His plows were left to rust in their furrows, and his cattle were slaughtered to feed armies of gold hunters. He had builded for far different purposes, and the instrumentalities which he had provided in order to conquer and reduce to civilization a remote, unknown, and savage region, were unfitted for the change which was wrought by the sudden burst upon these shores of the immigration of eighteen hundred and forty-nine. Nevertheless he wavered not, but was steady to his original idea. He sought not mere gold, and never thought to apply his splendid opportunities in the search for that idol which seemed to craze the brain of all by whom he was surrounded. His nature was generous, his aims were high. No sordid sentiment ever had lodgment for a moment in his breast. He was an educated and tried soldier, and a man of great personal dignity of character. He was the rightful lord of a broad domain. He felt himself competent to administer assistance to all who needed it on a scale of liberality equal to the impulses and tastes of a great heart. He thought he had penetrated a future full of voluntary honors and rewards from a Nation to which he had transferred his services and his flag. He regarded the hosts of weary immigrants as they descended from the mountains and pitched their dusty tents within his boundaries, and the storm-swept argonauts, who landed at his embarcadero, with no jealous eye, but received them with open arms and an overflowing hospitality. He looked upon them as his guests, and overtaxed his own great resources in assisting them.

Soon after passing through the scenes of eighteen hundred and forty-eight, eighteen hundred and forty-nine, and eighteen hundred and fifty, eventful and full of changes to him, he retired to Hook Farm, on the Feather River, where he was joined by his wife and a part of his family, who had up to that time remained in Europe. Here he sought rest. The plans, the ambitions, of the pioneer were no longer possible. His occupation was gone. His financial difficulties were such that he could not retain even this remnant of his once large estates. In eighteen hundred and seventy-three, he removed to Lititz, in Pennsylvania, where he spent the remainder of his days with the wife of his youth, who has recently followed him. The undersigned have the honor to express a confident hope that the representatives of the people will consider that this is a befitting time for the State of California to sift the names of its distinguished dead to find one deserving of remembrance in enduring marble. In the rotunda of the Capitol of the State there are vacant niches, none of which have yet been filled. In one of these, or some other suitable place, we trust the State will place the statue of John A. Sutter, executed to size of life, by some gifted artist. Such a merited and graceful tribute to perpetuate the name of the founder of a State, would be a becoming act on the part of the State itself, and honorable to all its citizens.

W. C. FELCH, President Sacramento Pioneers.

J. G. EASTLAND, President California Pioneers.

DAVID MEEKER, President Territorial Pioneers.

ROBERT PAGE, President Santa Clara County Pioneers.

JOHN WALLACE, President San Joaquin County Pioneers.

A. J. BATCHELLER, President Marysville Pioneers.

JAMES MEEHAN, President Amador and Calaveras County Pioneers.

CHARLES H. HUBBS, President Vallejo Pioneers.

By Mr. Cheney (by leave): Senate Joint Resolution No. 5:

Resolved by the Senate, the Assembly concurring. That the Senate and Assembly will meet in Joint Convention on Friday, February eighteenth, eighteen hundred and eighty-one, at twelve o'clock a. m. in the Assembly Chamber, for the purpose of electing five Trustees of the State Library to take office at the expiration of the term of the present incumbents.

Adopted.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twelfth, eighteen hundred and eighty-one, adopted Assembly Concurrent Resolution No. 22 Relative to the construction of a railway transportation of ships across the Isthmus of Tehuantepec.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 22—As above, read first time, and ordered on file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February fourteenth, eighteen hundred and eighty-one, passed the following bills:

Assembly Bill No. 241—An Act to amend section six hundred and sixty-five of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, in relation to cases reserved for argument.

Also, Assembly Bill No. 66—An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two.

JOHN G. HOWELL, Assistant Clerk.

Assembly Bill No. 241—As above, read first time, and referred to Judiciary Committee.

Assembly Bill No. 66—As above, read first time, and referred to Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. Traylor: Senate Bill No. 359—An Act to provide compensation with the requirements of section one thousand three hundred and ten of the Political Code, amendments of eighteen hundred and eighty, and section one thousand three hundred and twelve, regulating amount of payment of such service.

Read first time, and referred to the Committee on Claims.

By Mr. West: Senate Bill No. 360—An Act to amend sections three hundred and fifty-four, one thousand four hundred and eighty-seven, and one thousand four hundred and eighty-eight of the Political Code, relating to State Normal Schools, and Boards of Trustees thereof.

Read first time, and referred to the Committee on Education.

By Mr. Langford: Senate Bill No. 361—An Act to change the boundary line between San Joaquin and Calaveras Counties.

Read first time, and referred to the Committee on County and Township Governments.

By Mr. Cheney: Senate Bill No. 362—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time, and referred to the Committee on Claims.

Also, Senate Bill No. 363—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time, and referred to the Committee on Claims.

REPORT OF COMMITTEE.

Mr. Lampson (by leave) offered the report of the Hospital Committee, relative to orphans and abandoned children, and moved that double the usual number of copies be printed.

So ordered.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 15, 1881. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 25—An Act releasing to William Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyances thereof.

Also, Senate Bill No. 134—To provide for the improvement of Normal School Square, in the City of San José.

GEORGE C. PERKINS, Governor.

Mr. Traylor moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Dickinson, Traylor, and Glascock, and the roll was called, with the following result:

AYES—Messrs. BYRNES, Cheney, Conger, Dickinson, George, Glascock, Johnston, Kelly, Lampson, Nelson, Pool, Ryan, Sutterwhite, Traylor, Watson, and West—16.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Langford, Moreland, Nye, Parlee, and Sears—19.

Motion lost.

SECOND READING OF BILLS.

Consideration of Senate Bill No. 40 resumed.

Mr. Hittell moved to pass the bill on file for the day.

Lost.

The question recurred upon the motion of Mr. Nye to strike out all of line twenty-two, section four thousand two hundred and twenty-three, printed bill, and insert in line twenty-one, after "affirmation," the words "and certifying same."

Adopted.

Mr. George offered the following amendment: Amend by striking out line twenty-seven, section four thousand two hundred and twenty-three, "he may receive and retain for his own use the following fees."

Adopted.

Mr. Nye moved to amend section four thousand two hundred and twenty-eight by striking out from line three, printed bill, the words "twenty-five," and insert "fifteen."

Adopted.

Mr. Chase moved to amend section four thousand two hundred and twenty-eight by striking out lines twenty-five and twenty-six, printed bill.

A division of the vote being demanded, the motion prevailed by the following vote: Ayes, 12; noes, 11.

Mr. Nye moved to amend section four thousand two hundred and twenty-eight by striking out from line nineteen, printed bill, the word "twenty," and insert "twelve."

Adopted.

Mr. Nye moved to amend section four thousand two hundred and twenty-eight, printed bill, by striking out line eight, and inserting in line seven, after "administering," the words "and certifying."

Adopted.

Mr. Burt moved to amend section four thousand two hundred and twenty-eight by striking out the word "twenty," in line thirty-one, and insert "twelve."

Adopted.

Mr. Burt moved to amend section four thousand two hundred and twenty-eight, printed bill, by striking out the words "three dollars," in line twenty-nine, and inserting the words "one dollar and fifty cents."

Adopted.

Mr. Moreland offered the following substitute for section four thousand two hundred and twenty-eight:

4228. Justices of the Peace shall be entitled to receive the following fees for services not performed for the State or county, and which are not a county charge:

- For filing each paper, fifteen cents.
- Issuing any writ or process by which suit is commenced, twenty-five cents.
- For entering every case upon his docket, twenty-five cents.
- For issuing subpoena, twenty-five cents.
- For administering an oath or affirmation, fifteen cents.
- For each certificate, fifteen cents.
- For issuing writ of attachment or of arrest, or for the delivery of property, twenty-five cents.
- For entering any final judgment, for the first folio, fifty cents; for each additional folio, twelve cents.
- For taking or approving any bond or undertaking, directed by law to be taken or approved by him, twenty-five cents.
- For taking justification to a bond, twenty-five cents.
- For swearing a jury, twenty-five cents.
- For taking depositions, per folio, twelve cents.
- For entering satisfaction of a judgment, twenty-five cents.
- For copy of a judgment, order, docket, proceedings, or paper, in his office, for each folio, twelve cents.
- For issuing commission to take testimony, twenty-five cents.
- For issuing supersedeas to an execution, twenty-five cents.
- For making up and transmitting transcript and papers on appeal, one dollar.
- For issuing an execution, twenty-five cents.
- For celebrating marriage and returning certificate thereof to the Recorder, three dollars.
- For entering cause without process, fifty cents.
- For entering judgment by confession, and only on affidavit, as required in Superior Court, one dollar and fifty cents.
- For entering every motion, rule, exception, order, or default, fifteen cents.
- For transcript of judgment, per folio, twelve cents.

Adopted.

Mr. Johnston moved that when the Senate adjourns it adjourns to meet to-morrow, at one o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Johnston, and Lampson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, Conger, Dickinson, George, Glascock, Hill, Hittell, Johnson, Johnston, Lampson, Langford, Moreland, Nelson, Ryan, Satterwhite, Watson, and West—19.

NOES—Messrs. Baker, Burt, Brown, Carlock, Davis, Gorman, Harlan, Hudson, Kane, Nye, Pardee, Sears, and Traylor—13.

Motion carried.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., the time having arrived, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 17, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glaseock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Zuck moved to take up Assembly message.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February fifteenth, eighteen hundred and eighty-one, passed Assembly Bill No. 55—An Act to amend section three thousand two hundred and thirty-three of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to provide that work upon public buildings of this State, and of every city, county, and city and county within this State, shall be done by day labor, and under the supervision of a superintendent, or officer having charge of the same.

Also, Assembly Bill No. 194—An Act to provide for the publication of notices.

Also, February seventeenth, eighteen hundred and eighty-one, passed Assembly Bill No. 478—An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly, for the twenty-fourth session.

Assembly Bill No. 55—As above, read first time.

Mr. Neumann moved that it be referred to the Committee on Finance.

Mr. Enos moved that it be referred to the Committee on Labor and Capital.

Upon the motion of Mr. Enos, the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Enos, George, Glaseock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Pardee, Ryan, Satterwhite, and West—18.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, Hittell, Lampson, Langford, Neumann, Nye, Sears, Traylor, Watson, Wendell, and Zuck—17.

Carried, and bill referred to the Committee on Labor and Capital.

Assembly Bill No. 194—As above, read first time, and referred to Judiciary Committee.

Assembly Bill No. 478—As above, read first time, and placed at head of Second Reading File.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February fifteenth, eighteen hundred and eighty-one, passed Assembly Bill No. 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions.

Also, Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation.

Also, Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to the committal of insane persons.

Also, Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to the operation of statutes.

Also, Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code, in relation to preparation, presentation, and settlement of bills of exceptions in criminal cases.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 215—As above, read first time, and referred to the Judiciary Committee.

Mr. Johnson moved that substitute for Senate Bill No. 119 be made the special order for to-morrow morning, immediately after the reading of the Journal.

Mr. Ryan moved to amend by making said bill the special order for Saturday next, immediately after reading the Journal.

Upon which motion to amend the ayes and noes were demanded by Messrs. Zuck, Pardee, and Cheney, and the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—14.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Johnson, Johnston, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

Motion lost.

The question recurring upon the motion of Mr. Johnson, the ayes and noes were demanded by Messrs. Enos, Johnson, and Kelly, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Johnson, Johnston, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—14.

Motion carried.

REPORTS OF COMMITTEES.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, February 16, 1881.

MR. PRESIDENT: The Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 158—An Act to amend an Act entitled an Act to amend sections three thousand three hundred and thirty-five and three thousand three hundred and thirty-seven of the Political Code, approved April first, eighteen hundred and seventy-eight, relating to the organization of fire companies—have had the same under consideration, and report the same back and recommend it do pass.

HITTELL, Chairman.

By Mr. Pardee:

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 358, have had the same under consideration, and a majority recommend that it do pass.

PARDEE, Chairman.

Mr. Satterwhite moved that Senate Bill No. 358 be recommitted to the Finance Committee, with instructions to report to-morrow.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Pardee, and Kelly, and the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Moreland, Nelson, Nye, Pool, Ryan, and Satterwhite—14.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Dickinson, George, Hill, Hittell, Hudson, Johnston, Lampson, Neumann, Pardee, Sears, Traylor, Watson, Wendell, West, and Zuck—22.

Lost.

INTRODUCTION OF BILLS.

By Mr. West: Senate Bill No. 364—An Act to define certain duties and powers of the Board of State Viticultural Commissioners.

Read first time and ordered on file.

SECOND READING OF BILLS.

Consideration of Senate Bill No. 40 resumed.

Mr. Nye offered the following substitute for section four thousand two hundred and twenty-nine:

4229. Constables shall be entitled to receive for their own use the following fees:

For serving summons in civil cases, for each defendant, fifty cents.

For summoning any jury before a Justice of the Peace, including mileage, two dollars.

For subpoenaing each witness, fifteen cents.

For serving an attachment against the property of a defendant, one dollar.

For summoning and swearing a jury to try the right of property, and taking the verdict, including mileage, one dollar.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses were necessarily incurred: *provided*, that no more than two dollars a day shall be allowed for keeper's fees.

For collecting all sums on execution, two per cent., to be charged against the defendant in the execution.

For making an arrest in criminal cases, one dollar.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty cents: but when two or more persons are summoned, or served in the same suit, mileage shall be charged only for the most distant, if they live in the same direction, and in criminal actions, or proceedings where two or more persons are arrested or subpoenaed on the same trip by virtue of the same or different warrants or subpoenas, mileage shall be charged but once, and only for the number of miles actually traveled.

For making sales of estrays, the same fees as for sales on execution.

For all other services, the same fees as are allowed to Sheriffs for similar services.

He shall also receive from the county, in criminal cases, for conveying a prisoner under arrest, the necessary expenses of transportation, and necessary expenses of boarding prisoner while in his custody.

Adopted.

The hour having arrived, Mr. Dickinson moved that the special orders set for two o'clock P. M., this day, be continued until to-morrow at the same hour.

So ordered.

Mr. Sears moved to amend by striking out from line seven, section four thousand two hundred and thirty-four, printed bill, the word "ten," and insert "fifteen."

Mr. Nye moved to amend section four thousand two hundred and thirty-four, line five, printed bill, by striking out all the section after "however," and insert in place thereof the following: "That the Assessor shall be entitled to receive, to his own use, the percentage allowed by law for the collection of poll and personal property taxes."

The question recurring upon the adoption of the substitute, a division of the vote was demanded, and the motion was lost by the following vote: Ayes, 10; noes, 11.

The question recurred upon the amendment offered by Mr. Sears.

Adopted.

Mr. Enos moved to strike out in section four thousand two hundred and thirty-four, in line five, printed bill, all after the word "however" to the word "the," in line six.

Adopted.

Mr. Satterwhite moved to strike out the word "Assessor," in line six, and insert the words "the officer collecting poll taxes."

Mr. Sears moved to amend by inserting in line six, section four thousand two hundred and thirty-four, printed bill, after the word "Assessor," the words "or Tax Collector."

Adopted.

Mr. Baker moved to amend by inserting after line twenty-one, section four thousand one hundred and twenty, printed bill, the words: "Defend them in all civil suits brought against them as officers."

when the county, township, or district is interested in the defense of said suit;" by inserting: "Defend them in all civil actions in which the county, or the people of the State, are interested in such suit, except in civil actions prosecuted by said attorney against any officers of the county."

Adopted.

Mr. Baker moved to amend by striking out from line six, section four thousand one hundred and fifty, printed bill, all after the word "considered," down to and including the word "thereof," in line fourteen of the same section. Strike out, line five, the word "Auditor," and insert "Clerk of Board of Supervisors."

President pro tem. in the chair.

Mr. Johnson offered the following: I move to amend section four thousand one hundred and fifty by striking out the entire section, and inserting in lieu thereof as follows:

4150. The Auditor must draw his warrant upon the County Treasurer in favor of any person entitled thereto, in payment of any claim or demand chargeable against the county which has been legally examined, allowed, and ordered paid by the Board of Supervisors; *provided*, that before drawing such warrant, he shall carefully examine such claim or demand so allowed, and shall satisfy himself as to the correctness of the same, and out of what fund it is payable. He shall have power to administer oaths and examine witnesses as to the particulars of any such claim or demand. If in doubt as to the legality of any claim or demand, he may require the advice of the District Attorney, and upon his request it shall be the duty of the District Attorney to indorse upon such claim or demand his written opinion as to the legality or illegality of the same, or any portion thereof; and after such examination he shall either approve or reject the claim or demand, either in whole or in part, and indorse thereon, over his signature, such approval or rejection; any demand so rejected shall be by the Auditor returned to the Board of Supervisors with his reasons for rejecting it; if it is thereafter allowed by the unanimous vote of the entire Board it shall be paid in the same manner as though it had not been rejected. The Auditor shall draw warrants upon the County Treasurer in favor of the persons entitled thereto, for all debts and demands against the county, when the amounts are fixed by law, and which are not directed to be audited by some other person or tribunal. All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

Upon the question of the adoption of the substitute, the ayes and noes were demanded by Messrs. Enos, Johnson, and Chase.

The roll was called, with the following result:

Ayes—Messrs. Baker, Burt, Byrnes, Carlock, Conger, Davis, Dickinson, George, Glascock, Harlan, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Nye, Ryan, and Watson—19.

Noes—Messrs. Anderson, Brown, Chase, Enos, Gorman, Hill, Hittell, Kane, Langford, Moreland, Neumann, Pardee, Pool, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—19.

Substitute lost.

Mr. Johnson offered the following: I move to amend section four thousand one hundred and fifty by striking out the entire section, and inserting in lieu thereof as follows:

4150. The Auditor must draw his warrant upon the County Treasurer in favor of any person entitled thereto, in payment of any claim or demand chargeable against the county, which has been legally examined, allowed, and ordered paid by the Board of Supervisors; *provided*, that before drawing such warrant he shall carefully examine such claim or demand so allowed, and shall satisfy himself as to the correctness of the same, and out of what fund it is payable. He shall have power to administer oaths and examine witnesses as to the particulars of any such claim or demand. If in doubt as to the legality of any claim or demand, he may require the advice of the District Attorney, and upon his request it shall be the duty of the District Attorney to indorse upon such claim or demand his written opinion as to the legality or illegality of the same, or any portion thereof; and after such examination he shall either approve or reject the claim or demand, either in whole or in part, and indorse thereon, over his signature, such approval or rejection; any demand so rejected shall be by the Auditor returned to the Board of Supervisors, with his reasons for rejecting it; if it is thereafter allowed by the unanimous vote of the entire Board, it shall be paid in the same manner as though it had not been rejected, except as herein provided. The Auditor shall draw warrants upon the County Treasurer in

favor of the persons entitled thereto, for all debts and demands against the county, when the amounts are fixed by law, and which are not directed to be audited by some other person or tribunal. All warrants must distinctly specify the liability for which they are drawn and when it accrued. Whenever any illegal claim or demand shall be allowed by the Board of Supervisors, it shall be the duty of the Auditor to refuse to draw a warrant therefor, and in any judicial proceeding to compel him to draw such warrant, it shall be the duty of the District Attorney to act as his counsel in defending the same.

Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Enos, Zuck, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hill, Hudson, Johnson, Johnston, Nelson, Ryan, and Watson—18.

NOES—Messrs. Anderson, Chase, Conger, Enos, Hittell, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—20.

Lost.

Mr. Zuck moved to strike out in section four thousand one hundred and fifty, line five, of printed bill, the word "two" and insert "five."

Adopted.

Mr. Johnson moved to amend section four thousand and thirty, page nine of printed bill, by inserting a new subdivision after subdivision seventeen, to be numbered, and to read as follows:

"18. To construct bridges across navigable streams wholly or in part in the county, according to plans to be approved by the State Engineer, or if there be no State Engineer, by the Surveyor-General."

Adopted.

Mr. Johnson moved to amend by adding to subdivision twenty-three of section four thousand and thirty, on page nine, line seventy-one, printed bill, after the word "tax" the following: "To prescribe by ordinance not in conflict with the laws of the State, for the prevention of the trespassing of animals upon unfenced lands in the county, or in any particular part of the county, to be specifically defined and described in such ordinance. Such ordinance, however, shall not take effect until sixty days after its passage, nor until the same shall have been published for not less than four weeks in some newspaper printed and published in such county, or if none be so published, then in some newspaper of general circulation in such county, to be designated by such Board."

Adopted.

Mr. Pardee moved to amend by adding to section four thousand and seventy-nine, page twenty-two, line five, printed bill, after the word "deputies:" "The provisions of sections four thousand and seventy and four thousand and seventy-one, relating to eligibility, shall apply to deputies."

Adopted.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 18, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Davis moved that Senate Bill No. 347, the special order for this hour, be made the special order for Monday next, immediately after reading the Journal.

Upon which motion, the ayes and noes were demanded by Messrs. Anderson, Carlock, and Chase.

The roll was called, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Conger, Davis, Enos, Glascock, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nye, Satterwhite, Traylor, Wendell, and West—20.

NOES—Messrs. Baker, Burt, Byrnes, Cheney, Dickinson, George, Gorman, Hill, Hittell, Lampson, Neumann, Pool, Ryan, Sears, Watson, and Zuck—16.

Lost.

REPORTS OF COMMITTEES.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 17, 1881.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 212—An Act appropriating funds for the purpose of sinking a well to supply the State Capitol building and grounds with water—would respectfully report that they have had the same under consideration, and report the same back and recommend that it do pass.

BAKER, Chairman.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, February 17, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 41, 66, and 88, and that the same have this day been placed in the hands of the Governor, at two o'clock and fifteen minutes P. M.

HUDSON, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, February 15, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was recommitted Senate Bill No. 270—"An Act to provide for the payment of the Controller's warrants outstanding against certain swamp land districts of the State"—have had the same under consideration, report back, and the undersigned recommend that it do not pass.

W. W. TRAYLOR,
J. P. WEST,
JAS. C. ZUCK.

And the undersigned recommend that the same do pass.

J. S. ENOS,
A. B. CARLOCK,
D. M. POOL.

By Mr. Traylor:

To the honorable the Senate of California:

The undersigned, Committee on Claims, have had under consideration Senate Bill No. 331—Entitled "An Act for the payment of the claims against the State accrued under the agreement between the State of California, by the Board of State Prison Directors, and Michael Miles, for the construction of the Folsom Branch State Prison, dated September first, A. D. eighteen hundred and seventy-four," and respectfully report as follows:

I. By the Act of March thirtieth, eighteen hundred and seventy-four, the Governor, Lieutenant-Governor, and Secretary of State were authorized to construct a Branch State Prison at Folsom, and on the first day of September, eighteen hundred and seventy-four, they entered into a contract with Michael Miles for the erecting of a building at Folsom—the site being the same now constituting the Folsom Branch State Prison. The contract price was agreed upon, and fixed at one hundred and forty-nine thousand three hundred and ninety-two dollars.

II. Miles gave a bond conditioned for the performance of his contract, and entered upon the work, and continued to work upon his contract until about the fifteenth of September, eighteen hundred and seventy-five, when the work stopped. Under his contract he was to receive only eighty per cent. on estimates of work done; these payments to be made at stated periods, and in case of a dispute growing out of extra work, it was to be settled by arbitration.

III. About the time the work was suspended, disputes had arisen between the Superintendent, on behalf of the State, and the contractor—and one of the matters of dispute had reference to a claim made for extra work, and the contractor demanded arbitration—at least he claims that he did. The Board of State Prison Directors then consisted of Governor Pacheco, Governor Irwin, and Drury Melone, Secretary of State. The result was that the contractor did no more work, leaving the subject of the contract incomplete, and matters remained in abeyance until the twenty-ninth day of January, A. D. eighteen hundred and seventy-seven, when an action was commenced by the State against M. Miles and H. T. Holmes and others, his bondsmen, to recover of them two hundred and ninety-eight thousand seven hundred and eighty-four dollars, the penalty of the bond, alleging as a cause of action a breach by Miles of his contract. The action was commenced in the District Court of Sacramento County by the Attorney-General. The defendants, Miles and his bondsmen, appeared in the action, and set up as a counter-claim and set-off an indebtedness to Miles of over forty thousand dollars for the work done under his contract, and for extra work not yet paid for—setting forth the items.

IV. The Old Fellows' Savings and Commercial Bank having loaned Miles some money and taken an assignment from him to secure payment, intervened and claimed that the amount due from Miles to the bank should be first paid.

V. Miles had assigned his interest in the contract to his bondsmen to secure them against loss.

VI. The plaintiff in the action—the State—filed an answer to the claim set up by Miles, and the parties went to trial on the issues presented by the pleadings in the action.

VII. The evidence taken on this trial is somewhat voluminous, and makes some three hundred pages of the printed transcript, which was afterwards filed in the Supreme Court.

VIII. The result of the trial was a judgment in favor of the defendant, H. T. Holmes, the assignee of Miles, for thirty-four thousand four hundred and nineteen dollars and forty cents, from which the State appealed to the Supreme Court.

IX. In the Supreme Court the point was made that the citizen cannot sue the State. That the State is a sovereignty, and cannot be sued except by express permission, and that in this case no permission had been obtained. That the counter-claim and set-off set up by defendants was in the nature of a cross action, and that the judgment could not be maintained.

X. The appeal was heard in Department One of the Supreme Court, and the judgment ordered reversed and remanded for a new trial. An application was then made for a hearing in bank by a full bench. The Court in bank considered this application, and thereupon rendered the following opinion:

THE PEOPLE, ETC., APPELLANTS, }	
VS. }	No. 6,667.
MILES ET AL. RESPONDENTS. }	

Respondents' petition that this cause be heard in bank, calls to our attention the fact that the Attorney-General confines himself (in his points) to the discussion of the proposition that the judgment against the State was erroneous and against law, because "the law of set-off is not applicable to demands by the State against an individual."

The only additional point made by assistant counsel for the people was that there was no assignment of the counter-claim or set-off. Our own examination of the record has not discovered any error, except that the Court below attempted to give judgment against the State. Under these circumstances the judgment of Department One should be modified. It is ordered, adjudged, and decreed that the judgment of Department One of this Court be modified by striking therefrom that portion thereof which ordered a new trial herein, and by inserting instead thereof, that the Court below be directed to enter a judgment herein in favor of defendant Holmes and against the plaintiff; that plaintiff has no cause of action against defendant, or either of them, without costs.

XI. It, therefore, appears that the only reason why the judgment was not affirmed was the fact that, while the State exercises the right to sue the citizen, the citizen is not allowed to sue the State.

All the issues involved in the action, so far as this could be done, were litigated and decided against the State and in favor of Miles. It is adjudged by the Supreme Court that the State has no cause of action against any of the said defendants in the action, and it is determined that the only error in the case was the attempt in the Court below to enter a judgment against the State. It is clearly established by this action that Miles had an equitable claim against the State for thirty-four thousand four hundred and nineteen dollars and forty cents, which he assigned to H. T. Holmes, and the bill provides for the payment of this sum with interest at the legal rate since the entry of the judgment in the District Court.

The committee, therefore, recommend the passage of this bill.

TRAYLOR, Chairman.

Mr. Johnson moved to make Senate Bill No. 331 the special order for Tuesday next, at two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Brown, Byrnes, and Cheney, and the roll was called, with the following result:

AYES—Messrs. Brown, Byrnes, Cheney, Davis, Dickinson, Enos, Hudson, Johnson, Kelly, Lampson, Nelson, Neumann, Pool, Traylor, and West—15.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, George, Glasecock, Gorman, Harlan, Hill, Hittell, Kane, Langford, Moreland, Nye, Ryan, Satterwhite, Sears, Wendell, and West—21.

Lost.

REPORTS OF COMMITTEES.

By Mr. Hittell (by leave):

SENATE CHAMBER, SACRAMENTO, February 16, 1881.

MR. PRESIDENT: The Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 67—Entitled an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners—have had the same under consideration, and now report it back, and recommend that it do pass.

HITTELL, Chairman.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, February 18, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz:

Resolved, That W. A. Gett be and is hereby appointed Porter of the Senate Judiciary Committee-room, at a per diem of one dollar and fifty cents, payable out of the Contingent Fund of the Senate, said per diem to commence from January seventh, eighteen hundred and eighty-one:

Have had the same under consideration, report back, and recommend that it be adopted.

Also, the following resolution, viz:

Resolved, That the Sergeant-at-Arms be and is hereby authorized to appoint a Committee-room Porter, at a per diem of four dollars, payable out of the appropriation for the contingent expenses of the Senate;

Have had the same under consideration, report back, and recommend that it be not adopted.

ZUCK, Chairman.

The question recurred upon the adoption of the resolution.

The ayes and noes were demanded by Messrs. Brown, Byrnes, and Cheney, and the roll was called, with the following result:

AYES—Messrs. Brown, Byrnes, Cheney, Conger, Enos, George, Gorman, Johnson, Kane, Kelly, Langford, Nelson, Pool, Ryan, Traylor, and Watson—16.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Davis, Dickinson, Glasecock, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Pardee, Satterwhite, Sears, Wendell, West, and Zuck—23.*

Lost.

By Mr. Traylor (by leave):

SENATE CHAMBER, SACRAMENTO, February 18, 1881.

MR. PRESIDENT: The Committee on Claims herewith return to the Senate the following bills: Nos. 75, 195, 248, 297, 335, and 349, now in their hands, without recommendation.

We regret being compelled to report in this manner, as we believe the obligations of a committee demand that some recommendation should ordinarily be made; but in order to conform with the resolution heretofore adopted by this body, we are forced to make this disposition of the bills now in our hands. Some of these bills are of the utmost importance, and demand the hearing of testimony. All of them need careful consideration. The Senate not being willing to grant us the necessary time and opportunity in the performance of duties, perhaps more exacting with this than with other committees, we respectfully return these bills to the Senate, with the hope, though not in the belief, that legislation or the business of the Senate will be facilitated thereby.

TRAYLOR, Chairman.

Mr. Johnson moved that the above bills be recommitted to the Committee on Claims.

So ordered.

By Mr. Conger (by leave):

SENATE CHAMBER, SACRAMENTO, February 18, 1881.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred substitute for Assembly Bill No. 55—An Act to provide for work upon the public works and buildings within this State, to be done by day labor, and under the supervision of a Superintendent or officer having charge of the same—respectfully report that they have had the same under consideration, and report the same back, and recommend its passage.

CONGER, Chairman.

By Mr. Hudson (by leave):

SENATE CHAMBER, SACRAMENTO, February 18, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 76, and that the same has this day been placed in the hands of the Governor, at ten o'clock and thirty minutes A. M.

HUDSON, Chairman.

By Mr. Dickinson (by leave):

SENATE CHAMBER, SACRAMENTO, February 18, 1881.

MR. PRESIDENT: Your Committee on Commerce and Navigation have had under consideration Senate Concurrent Resolution No. 33, and report the same back and recommend its passage.

DICKINSON, Chairman.

By Mr. Baker (by leave):

SENATE CHAMBER, SACRAMENTO, February 17, 1881.

MR. PRESIDENT: A majority of the Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 31—Relative to the sale of mineral lands—would respectfully report that they have had the same under consideration, and report the same back, and recommend its adoption.

BAKER, Chairman, for the majority.

By Mr. Lampson (by leave):

SENATE CHAMBER, SACRAMENTO, February 17, 1881.

MR. PRESIDENT: The committee to whom was referred Senate Bill No. 336—An Act to appropriate money for the purchase of the trails within the limits of Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grants—have had the same under consideration, and report it back recommending its passage.

LAMPSON, Chairman.

Mr. Lampson moved to place Senate Bill No. 356 number six on the Second Reading File.

Upon which the ayes and noes were demanded by Messrs. Lampson, Byrnes, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, and Traylor—27.

NOES—Messrs. Baker, Burt, Chase, Glascock, Gorman, Hill, Moreland, Sears, Wendell, and West—10.

Carried.

Mr. Davis moved to make Senate Bills Nos. 196 and 197 special orders for Monday next, at two o'clock p. m., and that they be continued until disposed of.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, T aylor, Watson, and West—29.

NOES—Messrs. Burt, Glascock, Gorman, Harlan, Hill, Langford, Moreland, Nye, Wendell, and Zuck—10.

Carried.

SPECIAL ORDER.

Substitute for Senate Bill No. 119—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Mr. Wendell moved that the pending bill be made the special order for Monday next, immediately after the reading of the Journal.

Upon which motion the ayes and noes were demanded by Messrs. Chase, Baker, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Ryan, Satterwhite, Sears, Watson, and Wendell—19.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Davis, Dickinson, George, Hill, Hudson, Johnson, Johnston, Neumann, Pardee, T aylor, West, and Zuck—17.

Carried.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, February 18, 1881. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code, in relation to preparation, presentation, and settlement of bills of exceptions in criminal cases.

Also, Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to the operation of statutes.

Also, Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to committal of insane persons.

GEO. C. PERKINS, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February fourteenth, eighteen hundred and eighty-one, amended, and on February seventeenth, eighteen hundred and eighty-one, passed as amended, Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment of the crime of battery.

Also, Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Also, on February seventeenth, eighteen hundred and eighty-one, passed Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family.

And adopted Senate Joint Resolution No. 5—Relative to the election of five Trustees of the State Library.

J. M. WRIGHT, Assistant Clerk.

Amended Senate Bill No. 80—As above, read and referred to Judiciary Committee.

Amended Senate Bill No. 23—As above, read and referred to Judiciary Committee.

SECOND READING OF BILLS.

Assembly Bill No. 478—An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly for the twenty-fourth session.

Read second time.

Mr. Zuck moved that section fifteen, article four, of the Constitution, relating to reading of bills on three several days, be suspended, on the ground of urgency.

Upon which motion the ayes and noes were demanded by Messrs. Zuck, Ryan, and Traylor, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Ryan, Sears, Watson, West, and Zuck—28.

NOES—Messrs. Enos, Gorman, Hill, Nye, Satterwhite, and Wendell—6.

Motion carried.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—33.

NOES—None.

Title read and approved.

RECESS.

Mr. Johnson moved to take a recess until five minutes of twelve o'clock M.

So ordered.

REASSEMBLED.

The Senate reassembled at eleven o'clock and fifty-five minutes A. M. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Senators now repaired to the Assembly Chamber to meet the Assembly in Joint Convention.

IN JOINT CONVENTION.

FRIDAY, February 18, 1881.

Pursuant to joint resolution, previously adopted by both Houses, the Senate and Assembly met in Joint Convention, for the purpose of electing five Trustees of the State Library, as provided for in section

two thousand two hundred and ninety-two of the Political Code, and to fill the vacancies which will occur by the expiration of the terms of office of Jo Hamilton, John W. Armstrong, F. W. Hatch, E. W. Maslin, and Fred. Cox.

At the hour of 12 o'clock m., the Joint Convention was called to order, the President of the Senate, in conjunction with the Speaker of the Assembly, presiding.

The roll of the Senate was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

The roll of the Assembly was then called, and the following Assemblymen were found present:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Plati, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum of both Houses present.

The President of the Senate directed the Secretary to read Senate Joint Resolution No. 5, which was read as follows:

Resolved by the Senate, the Assembly concurring. That the Senate and Assembly will meet in Joint Convention on Friday, February eighteenth, eighteen hundred and eighty-one, at twelve o'clock m., in the Assembly Chamber, for the purpose of electing five Trustees of the State Library, to take office at the expiration of the term of the present incumbents.

Mr. Kellogg offered the following resolution, and moved its adoption:

Resolved. That in electing a Board of Trustees of the State Library, each member of the Legislature, in Joint Convention assembled, shall be entitled to vote for three members of said Board only on the first ballot; and if five or more persons are voted for on said ballot, the five receiving the largest number of votes so cast shall be declared elected members of the Board of Trustees of the State Library for the term of four years, and to enter upon the discharge of their duties as such at the expiration of the term of the present Board of Trustees.

Mr. Conger moved to amend resolution by striking out "three," and inserting "five."

The ayes and noes were demanded by Messrs. Branch, Enos, and Kellogg.

Mr. McClure moved to lay the resolution on the table.

Upon which motion the ayes and noes were demanded by Messrs. Jackson, Enos, and McClure, and the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, West, and Zuck—26.

NOES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—13.

Ayes—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mem, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—40.

Noes—Messrs. Arieck, Baker of Yolo, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallen, McDonald, McMurray, Murphy, Noonan, O'Connor, Platt, Samuels, Swift, and Whipple—35.

Joint result: Ayes, 66; noes, 48.

Mr. McClure offered the following resolution, and moved its adoption:

Resolved, That when the roll is called in the election of Trustees, each Senator and Assemblyman announce the names of five candidates as his choice for the office of Trustees of State Library.

Adopted.

NOMINATIONS.

Nominations were now declared to be in order.

Mr. Davis nominated I. S. Belcher, A. C. Freeman, J. J. Owen, W. W. Crane, Jr., and Henry Edgerton.

Mr. Enos nominated F. W. Hatch, J. W. Armstrong, E. W. Maslin, Jo Hamilton, and Fred. Cox.

Mr. Jackson nominated I. S. Kalloch, Dennis Kearney, F. M. Pixley, John McComb, and William Wellock.

Nominations declared closed.

The President appointed as tellers, Senator Cheney and Mr. Daggett.

On motion of Senator Satterwhite, the tellers were dispensed with.

The roll of the Senate was called by the Secretary of the Senate, and each Senator voted for his choice as follows:

For I. S. Belcher, A. C. Freeman, J. J. Owen, W. W. Crane, Jr., and Henry Edgerton—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Hall, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, West, and Zuck—25.

For F. W. Hatch, J. W. Armstrong, E. W. Maslin, Jo Hamilton, and Fred. Cox—Messrs. Anderson, Enos, Glascock, Harlan, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—11.

For A. C. Freeman, J. J. Owen, Henry Edgerton, F. W. Hatch, and J. W. Armstrong—Mr. Chase—1.

For I. S. Belcher, W. W. Crane, Jr., F. W. Hatch, J. W. Armstrong, and Fred. Cox—Mr. Gorman—1.

For I. S. Belcher, F. W. Hatch, J. W. Armstrong, E. W. Maslin, and Jo Hamilton—Mr. Kane—1.

The roll of the Assembly was called by the Chief Clerk, and the members voted for their choice as follows:

For I. S. Belcher, Henry Edgerton, J. J. Owen, W. W. Crane, Jr., and A. C. Freeman—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mem, Parks, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Wood, and Young—42.

For F. W. Hatch, J. W. Armstrong, E. W. Maslin, Jo Hamilton, and Fred. Cox—Messrs. Arieck, Baker of Yolo, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Griffith, Hinshaw, Holden, Howard, Keating, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallen, McDonald, McMurray, Murphy, Noonan, O'Connor, Platt, Samuels, Swift, and Whipple—32.

For I. S. Belcher, F. W. Hatch, J. W. Armstrong, E. W. Maslin, and Jo Hamilton—Mr. Kellogg—1.

For I. S. Kelloch, D. Kearney, W. Wellock, F. M. Pirley, and John McComb—Mr. Jackson—1.
For I. S. Kelloch—Mr. Pinder—1.

Whole number of votes cast.....	118
Necessary to a choice.....	60
I. S. Belcher received.....	69
Henry Edgerton received.....	68
J. J. Owen received.....	68
W. W. Crane, Jr., received.....	68
A. C. Freeman received.....	69
F. W. Hatch received.....	47
J. W. Armstrong received.....	47
E. W. Maslin received.....	45
Jo Hamilton received.....	45
Fred. Cox received.....	44
F. M. Pixley received.....	1
I. S. Kelloch received.....	2
Dennis Kearney received.....	1
John McComb received.....	1
William Wellock received.....	1

Whereupon the President announced that I. S. Belcher, A. C. Freeman, J. J. Owen, W. W. Crane, Jr., and Henry Edgerton, having received a majority of all the votes cast in Joint Convention, a majority of all the members elected to both Houses being present and voting, were duly elected Trustees of the State Library, to serve for the term of four years, from the expiration of the term of the present Trustees.

On motion of Senator Davis, the minutes of proceedings in Joint Convention were read and approved.

ADJOURNMENT.

At one o'clock and five minutes, on motion of Senator Davis, the Joint Convention adjourned *sine die*.

REASSEMBLED.

The Senate reassembled at one o'clock and ten minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Ryan, Sears, Traylor, Watson, Wendell, and West.

Quorum present.

Mr. Davis asked leave of absence until Monday next.

Granted.

Mr. Hittell moved to take a recess until two o'clock and thirty minutes P. M., and that the special order set for two o'clock P. M. be considered at that time.

So ordered.

RECESS.

The President declared a recess until two o'clock and thirty minutes P. M.

REASSEMBLED.

The Senate reassembled at two o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

SPECIAL ORDERS.

For Friday, February eighteenth, at two o'clock p. m.: Senate Bill No. 287—An Act to divide the State into drainage and irrigation districts.

Mr. Dickinson moved, pursuant to notice given, that the vote by which Senate Bill No. 287 was passed, be now reconsidered.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Cheney, Conger, Dickinson, Enos, George, Harlan, Hittell, Johnson, Kane, Kelly, Nelson, Neumann, Ryan, Sears, Watson, Wendell, and Zuck—21.

NOES—Messrs. Burt, Carlock, Chase, Glasecock, Gorman, Hill, Hudson, Johnson, Lampson, Langford, Moreland, Nye, Pardee, Pool, Satterwhite, and West—16.

Carried.

The question recurred upon the passage of the bill.

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Carlock, Chase, Enos, Glasecock, Hill, Hudson, Johnson, Johnston, Langford, Moreland, Nye, Pardee, Pool, Satterwhite, Sears, and West—17.

NOES—Messrs. Anderson, Burt, Byrnes, Cheney, Conger, Dickinson, George, Gorman, Harlan, Hittell, Kane, Kelly, Lampson, Nelson, Neumann, Traylor, Watson, Wendell, and Zuck—19.

Bill failed to pass.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

The question recurring upon the motion to reconsider the vote by which the bill failed to pass, the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Neumann, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, and West—27.

NOES—Messrs. Hill, Hittell, Lampson, Langford, Moreland, Nelson, Wendell, and Zuck—8.

Carried.

The question recurred upon the passage of the bill, and the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Pool, Sears, Traylor, Watson, and West—23.

NOES—Messrs. Baker, Hill, Hittell, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Satterwhite, Wendell, and Zuck—12.

Bill passed.

Title read and approved.

THIRD READING OF BILLS.

Senate Bill No. 176—An Act to provide compensation for assessing, collecting, and paying the public revenue into the State treasury.
Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnston, Kane, Kelly, Moreland, Nye, Pardee, Ryan, Sears, Watson, Wendell, and West—22.

NOES—Messrs. Burt, Brown, Byrnes, Cheney, Dickinson, George, Hittell, Johnson, Lampson, Langford, Neumann, Pool, Satterwhite, Traylor, and Zuck—15.

Title read and approved.

Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to the Deputy Clerks of the Supreme Court.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Byrnes, Cheney, Conger, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Wendell, and West—22.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Dickinson, George, Glascock, Johnson, Johnston, Kane, Moreland, Traylor, Watson, and Zuck—15.

Title read and approved.

SECOND READING OF BILLS.

Consideration of Senate Bill No. 40 resumed.

Mr. Dickinson offered the following amendment: On page fifty-three, printed bill, section four thousand two hundred and twenty-one, strike out lines thirty-one, thirty-two, and thirty-three, and insert in lieu thereof: "For Commissioners, for receiving and paying over money on execution, or other process, when lands or personal property have been levied on and sold, on the first one thousand dollars, two per cent.; on all over one thousand dollars, and under five thousand dollars, one per cent.; on all over five thousand dollars, and under ten thousand dollars, one half of one per cent.; on all over ten thousand dollars, one fourth of one per cent."

Mr. Nye moved to amend by striking out from line thirty-two, section four thousand two hundred and twenty-one, printed bill, the words after "on the" all to line thirty-four, and insert "on all sums, one per cent."

Lost.

The question recurring upon the adoption of the amendment of Mr. Dickinson, a division of the vote being demanded, the amendment was lost by the following vote: Ayes, 13; noes, 16.

Mr. Nye moved to amend by adding on line five, section four thousand two hundred and thirty-six, printed bill, after "month," the following: "*provided*, that of the Assessor's annual salary three fourths of the same shall be paid to him in equal monthly installments, for the months of March, April, May, June, and July, and the remainder in equal monthly payments during the rest of the year."

Adopted.

Mr. Johnston offered the following amendment: Strike out in line three, section four thousand and nineteen, printed bill, the word "even," and insert in lieu thereof the word "odd." Strike out in

line three, section four thousand and nineteen, printed bill, the word "odd," and insert in lieu thereof the word "even."

Adopted.

President pro tem. in the chair.

Mr. Dickinson moved to amend as follows: Strike out section four thousand and seventy-eight of printed bill, and insert in lieu thereof:

4078. All county and township officers, except School Superintendents, must be elected at a general election which shall be held on the first Wednesday of September, eighteen hundred and eighty-one. Such officers so elected shall succeed all such officers now in office, and shall take office on the first Monday in January, eighteen hundred and eighty-one, and shall hold office until the first Monday in January, eighteen hundred and eighty-three. All county and township officers, except School Superintendents, must be elected at the general election in eighteen hundred and eighty-two, and every two years thereafter, and hold office for two years from the first Monday in January next after the election. School Superintendents shall be elected at the general election in eighteen hundred and eighty-two, and every four years thereafter, and hold office for four years from the first Monday of January next after the election.

Mr. Johnson moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Baker, Byrnes, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Cheney, Conger, Dickinson, George, Gorman, Hittell, Johnson, Nelson, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—17.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Enos, Glascock, Harlan, Hill, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Wendell, and Zuck—20.

Motion lost.

ADJOURNMENT.

Pending consideration of the amendment, at four o'clock and forty minutes P. M., on motion of Mr. Satterwhite, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,)
Saturday, February 19, 1881.)

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF COMMITTEES.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, February 19, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 75—An Act to pay the claim of the members of the late Board of Reclamation Fund Commissioners:

Also, Senate Bill No. 248—An Act to pay the claim of the heirs of E. G. Jefferis, late State Printing Expert:

Also, Senate Bill No. 335—An Act to provide for the compensation of the officers and persons performing duties and incurring expenses under "An Act to create a drainage district, to be called the Sacramento River Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight;

Also, Senate Bill No. 195—An Act to appropriate money for the payment of equitable claims for work and labor performed at the Folsom Branch Prison;

Also, Senate Bill No. 349—An Act for the relief of John Timmins:

Have had the same under consideration, report back, and recommend that said bills do not pass.

Said committee have also had under consideration Senate Bill No. 297—An Act for the relief of John W. Metcalf and George McClellan;

Also, Senate Bill No. 363—An Act making appropriation for a deficiency in the appropriation for the thirty-second fiscal year;

Also, Senate Bill No. 362—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year:

Also, Senate Bill No. 359—An Act to provide compensation for messengers employed to deliver election returns, in accordance with the requirements of section one thousand three hundred and ten of the Political Code, amendments eighteen hundred and eighty, and section one thousand three hundred and twelve, regulating the amount of payment for such service:

Also, Assembly Bill No. 82—An Act making appropriation to R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due to him for the twenty-ninth and thirtieth fiscal years;

Report the same back and recommend their passage.

TRAYLOR, Chairman.

By Mr. Lampson:

SENATE CHAMBER, SACRAMENTO, February 19, 1881.

MR. PRESIDENT: The committee to whom was referred Senate Bill No. 341—An Act to repeal an Act to regulate the practice of pharmacy in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and seventy-two, and amended March thirty-first, eighteen hundred and seventy-six, and amended March thirtieth, eighteen hundred and seventy-eight—have considered the same, and report it back without recommendation.

LAMPSON, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, February 19, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 176—An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on and the action of interpleader—have had the same under consideration, and report the same back, and recommend its passage.

Also, Assembly Bill No. 103—An Act for the relief of purchasers of State lands, and to regulate the foreclosure of titles to State lands for the non-payment of interest—and report the same with amendments, and recommend its passage as amended.

Also, Senate Bill No. 352—An Act to amend section one thousand and seventy of the Penal Code of the State of California, relative to the number of peremptory challenges in criminal cases—and recommend that it do not pass.

Also, Senate Bill No. 353—An Act to amend section one hundred and ninety of the Penal Code of this State, relating to the punishment of murder—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment of the crime of battery—which bill was returned from the Assembly to the Senate with amendments, and recommitment to your committee. The committee now recommend that the Senate do not concur in the Assembly amendments to said bill.

Also, Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders—returned from the Assembly and recommitment. Your committee also recommend that the Senate do not concur in the Assembly amendment to said bill.

WENDELL, Chairman.

MESSAGE FROM ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 336—An Act to provide a Contingent Fund for the Legislature.

J. M. WRIGHT, Assistant Clerk.

The President presented a communication from a convention of farmers and prominent wheat growers of the State of California, relating to the construction of an inter-oceanic canal connecting the Atlantic and Pacific Oceans, which was read, and ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHTY.

Upon concurrence in the Assembly amendment to the title, the roll was called, with the following result:

AYES—Messrs. Cheney, Enos, Glascock, Gorman, Harlan, Kane, Langford, Nelson, Pool, and Ryan—10.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Neumann, Nye, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—24.

Senate refused to concur.

Upon concurring in the Assembly amendment to section two hundred and forty-three, the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Cheney, Conger, Enos, Gorman, Harlan, Johnston, Kane, Kelly, Langford, Nelson, Pool, and Ryan—13.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Dickinson, George, Glascock, Hill, Hittell, Hudson, Johnson, Lampson, Moreland, Neumann, Nye, Traylor, Watson, Wendell, West, and Zuck—21.

Senate refused to concur.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWENTY-THREE.

Upon concurring in Assembly amendment to title, the roll was called, with the following result:

AYES—Messrs. Anderson, Cheney, Conger, Enos, Kane, Kelly, and Langford—7.

NOES—Messrs. Burt, Carlock, Chase, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—26.

Senate refused to concur.

Upon concurring in Assembly amendment to section two of Senate Bill No. 23, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Ryan, Satterwhite, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Gorman, Johnson, Johnston, Langford, Pool, and Traylor—6.

Amendment concurred in.

SECOND READING OF BILLS.

Consideration of Senate Bill No. 40 resumed, the question pending being the consideration of the amendment offered by Mr. Dickinson to section four thousand and seventy-eight.

REPORT OF A COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, February 19, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 39 and 336, and that the same have this day been placed in the hands of the Governor, at ten o'clock and fifteen minutes A. M.

HUDSON, Chairman.

By Mr. Ryan (by leave): Remonstrance of S. M. Buck and other residents of Humboldt County, California, against the repeal of an Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County.

Read, and ordered transmitted to the Assembly.

INTRODUCTION OF BILLS.

By Mr. Pardee: Senate Bill No. 365—An Act creating the office of Examiner of Public Buildings and Grounds and Accounts, and prescribing his duties and powers.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also, Senate Bill No. 366—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure, relating to appeals.

Read first time, and referred to Judiciary Committee.

RECESS.

The hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M., President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

SECOND READING OF BILLS.

Consideration of Senate Bill No. 40 resumed.

Mr. Dickinson offered the following as a substitute for his amendment offered on yesterday: Strike out section four thousand and seventy-eight of printed bill, and insert in lieu thereof:

4078. All county and township officers, except School Superintendents, must be elected at an election which shall be held on the first Wednesday in September, eighteen hundred and eighty-one. Such officers so elected shall succeed all such officers now in office, and shall take office on the first Monday in January, eighteen hundred and eighty-two, and shall hold office until the first Monday in January, eighteen hundred and eighty-three. All county and township officers, except School Superintendents, must be elected at the general election in eighteen hundred and eighty-two, and every two years thereafter, and hold office for two years from the first Monday in January next after their election. School Superintendents shall be elected at the general election in eighteen hundred and eighty-two, and every four years thereafter, and hold office for four years from the first Monday of January next after their election.

Upon the adoption of which the ayes and noes were demanded, and the roll was called, with the following result:

Ayes—Messrs. Anderson, Byrnes, Conger, Dickinson, Enos, Gorman, Harlan, Hittell, Johnson, Kane, Kelly, Moreland, Nelson, Ryan, and Traylor—15.

Noes—Messrs. Burt, Carbock, Chase, George, Glascock, Hill, Hudson, Johnston, Lampson, Langford, Nye, Pardee, Pool, Satterwhite, Watson, Wendell, West, and Zuck—18.

Lost.

Mr. Cheney stated that he had paired with Mr. Neumann. Mr. Neumann would vote aye, and Mr. Cheney no.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February nineteenth, eighteen hundred and eighty-one, adopted Assembly Concurrent Resolution No. 26—relative to payment of moneys expended by Joint Special Relief Committee.

I am also directed to transmit to your honorable body a certified copy of the report of the Joint Special Relief Committee, and also a resolution, and certain vouchers, forming the basis of the action taken by said committee.

I am also directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendment to Assembly Bill No. 12—An Act to amend Section five hundred and ninety-five of the Civil Code of California, relating to civil, religious, social, and benevolent corporations.

Also, receded from Assembly amendment No. 1 to Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Also, receded from Assembly amendments to Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment of the crime of battery.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 26—As above, read and adopted.

PETITION.

By Mr. Chase (by leave): Petition of eighteen thousand seven hundred and sixty-nine citizens of California, asking for the passage of a local option law.

Referred to the Judiciary Committee.

ADJOURNMENT.

At three o'clock and five minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 21, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

RESOLUTION.

By Mr. Ryan (by leave):

Resolved, That the Attorney-General be and he is hereby directed to ascertain whether the statement contained in Sunday's *Chronicle*, in relation to the Speaker of the Assembly receiving warrants drawn on the Treasurer by the Controller of State, for eighteen dollars per day, is true or not: and if found to be true, to take such steps as will prevent the payment of all such warrants.

Mr. Cheney moved to lay the resolution on the table.

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Burt, Brown, Cheney, Davis, George, Hittell, Lampson, Neumann, Traylor, and Watson—10.

NOES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Kelly, Moreland, Nye, Pardee, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—24.

Lost.

The President ruled the resolution as a reflection upon the Speaker of the Assembly, and therefore out of order.

Upon which ruling Mr. Ryan appealed.

Upon sustaining the decision of the Chair, the ayes and noes were demanded by Messrs. Ryan, Satterwhite, and Enos, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Davis, Dickinson, George, Hudson, Kane, Neumann, Sears, Traylor, and Watson—13.

NOES—Messrs. Anderson, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Wendell, West, and Zuck—21.

Decision not sustained.

Mr. Baker moved to refer the resolution to Committee on Contingent Expenses, with instructions to report on Wednesday morning.

So ordered.

Special order for Monday morning, February twenty-first, immediately after reading of the Journal: Substitute for Senate Bill No. 119—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Read second time.

Mr. Sears moved to amend by striking out all after the enacting clause of the original bill, and inserting the substitute reported by committee.

Mr. Johnson moved that the pending bill be continued at two o'clock p. m.

So ordered.

RECESS.

The hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Ryan called for the special order for this hour.

The President ruled that the consideration of Senate Bill No. 119 was now the order of business, from which ruling Mr. Satterwhite appealed, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Hill, Hittell, Hudson, Johnson, Kane, Lampson, Moreland, Neumann, Pardee, Sears, Traylor, Watson, Wendell, West, and Zuck—27.

NOES—Messrs. Anderson, Enos, Glascock, Harlan, Kelly, Pool, Ryan, and Satterwhite—8.

Decision of the Chair sustained.

The question now recurred upon the motion of Mr. Sears, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Byrnes, Davis, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Moreland, Pool, Ryan, and Satterwhite—13.

Carried, and substitute adopted.

Mr. Satterwhite moved the following: Amend section sixteen, by inserting after the word "Tuolumne" the words "and Mono," and strike out the word "and" between Calaveras and Tuolumne.

Lost.

Mr. Gorman offered the following: I move to recommit to the Committee on Apportionment, with instructions to divide the City of San Francisco into eleven Senatorial districts, as nearly equal in population as may be possible.

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Gorman, and the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Moreland, Pool, Ryan, Satterwhite, and Traylor—12.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Watson, Wendell, West, and Zuck—25.

Lost.

Mr. Enos offered the following: "I move to recommit to the Committee on Apportionment, with instructions to divide the City and County of San Francisco into twenty-one Assembly districts."

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Moreland, Nelson, Pool, Ryan, Satterwhite, and T aylor—13.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Watson, Wendell, West, and Zuck—25.

Lost.

Mr. Johnston offered the following: Amend section fourteen, lines three and four, printed bill, by striking out the words "and the First Ward as at present constituted of the City of Sacramento."

Mr. Gorman offered the following as a substitute for section fourteen: "The County of Sacramento shall constitute the Thirteenth Senatorial District."

Lost.

The question being upon the adoption of Mr. Johnston's amendment, a division was had, and the motion was lost by the following vote: Ayes, 4; noes, 21.

Mr. Gorman moved the following: Amend section eight by striking out the word "Sutter" and insert the word "Placer."

Lost.

Mr. Gorman moved the following: Amend section seven by striking out the words "County of Butte" and insert the words "Counties of Butte and Sutter."

Lost.

Mr. Enos moved the following: Amend sections fifty-six and fifty-seven, by inserting "the County of Placer shall constitute the Fifteenth Assembly District."

Mr. Glascock moved, as an amendment: Strike out sections fifty-six and fifty-seven, printed bill, and insert instead the words: "The County of Placer shall constitute the Fifteenth Assembly District."

Upon which the ayes and noes were called, with the following result:

AYES—MESSRS. Anderson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Moreland, Nelson, Pool, Ryan, and Satterwhite—12.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Watson, Wendell, West, and Zuck—25.

Lost.

Mr. Gorman offered the following: After the word "Ventura" add the word "Kern."

Lost.

Mr. Satterwhite offered the following: In section forty-one strike out the word "Mono."

Lost.

Upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Enos, Ryan, and Johnson.

The roll was called, with the following result:

AYES—MESSRS. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Watson, Wendell, West, and Zuck—23.

NOES—MESSRS. Anderson, Davis, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and T aylor—15.

Bill ordered engrossed.

President pro tem. in the chair.

INTRODUCTION OF BILLS.

By Mr. Hudson (by leave): Senate Bill No. 367—An Act to provide for ascertaining the amount of the equitable claims of contractors for work done under the provisions of an Act entitled an Act to promote drainage, and to appropriate money to pay the same.

Read first time, and referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Mr. Johnson and Mr. Johnston asked leave to have their names recorded in the affirmative, in the vote to sustain the decision of the chair this morning, in relation to the resolution introduced by Mr. Ryan.

So ordered.

SPECIAL ORDER FOR TWO O'CLOCK P. M.

On motion of Mr. Davis, substitute for Senate Bill No. 197—An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue—was now taken up.

Read second time.

Mr. Traylor in the chair.

Substitute bill adopted.

Mr. Hittell moved to amend as follows: Strike out the words "said Code," in lines one and two of page one, printed bill, and insert "the Political Code."

Adopted.

President pro tem. Johnston in the chair.

Mr. Ryan offered the following: Amend section two by striking out all of said section after the word "therefor," in line nine, printed bill.

Mr. Zuck moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Zuck, Langford, and Enos, and the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Conger, Davis, Dickinson, George, Hall, Kelly, Lampson, Langford, Moreland, Pool, Satterwhite, Wendell, West, and Zuck—16.

NOES—Messrs. Baker, Brown, Carlock, Chase, Cheney, Enos, Gluscock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Nelson, Neumann, Nye, Pardee, Ryan, Sears, Traylor, and Watson—22.

Lost.

RESOLUTION.

By Mr. Gorman (by leave):

WHEREAS, It has been the patriotic custom of the Senate of the Legislature of the State of California, in order to properly commemorate one of the most significant and impressive events in the history of America—the birth of George Washington, *pater patriæ*—to observe the twenty-second day of February as a public holiday; therefore, be it

Resolved, That in compliance with the traditions and customs of the loftiest patriotism, the Senate, when it adjourns to-day, will adjourn until Wednesday next, at ten o'clock A. M.

Mr. Dickinson moved as an amendment, that when we adjourn to-morrow, we adjourn in honor of Washington's birthday.

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Lampson, Langford, Neumann, Nye, Pardee, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Conger, Glascock, Gorman, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Pool, and Satterwhite—11.

Amendment adopted.

Resolution as amended adopted.

Mr. Baker moved to adjourn.

Upon which the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Cheney, Conger, Davis, Dickinson, George, Gorman, Hill, Lampson, Langford, Moreland, Satterwhite, Wendell, West, and Zuck—17.

NOES—Messrs. Anderson, Brown, Carlock, Chase, Enos, Glascock, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, and Watson—22.

Lost.

The question recurring upon the amendment of Mr. Ryan, the ayes and noes were demanded by Messrs. Zuck, Ryan, and Enos, and the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, George, Glascock, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, and Zuck—25.

NOES—Messrs. Baker, Burt, Chase, Dickinson, Gorman, Harlan, Johnson, Lampson, Langford, Moreland, Nelson, Satterwhite, Wendell, and West—14.

Amendment adopted.

Mr. Johnson asked leave to introduce a resolution.

Mr. Baker moved to adjourn.

Upon which the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Conger, Dickinson, George, Hittell, Langford, Pool, and Zuck—11.

NOES—Messrs. Anderson, Carlock, Chase, Cheney, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—28.

Lost.

The question recurred upon the motion of Mr. Johnson for leave to introduce a resolution.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Ryan, Satterwhite, Wendell, and West—24.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Dickinson, George, Hittell, Lampson, Pool, Sears, Traylor, Watson, and Zuck—15.

The President declared the motion lost.

Mr. Johnson appealed from the decision of the Chair.

Upon sustaining the decision of the Chair, the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Dickinson, George, Glascock, Harlan, Hill, Hittell, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck—24.

NOES—Messrs. Anderson, Chase, Conger, Davis, Enos, Gorman, Hudson, Johnson, Kane, Kelly, Langford, Nelson, Ryan, and West—14.

Decision of the Chair sustained.

ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Tuesday, February 22, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

PETITION.

By Mr. Traylor: From citizens of San Francisco, in relation to Senate Bill No. 364—To define and enlarge certain duties and powers of the Board of State Viticultural Commissioners.

Read, and referred to Committee on Agriculture.

REPORTS OF COMMITTEES.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 21, 1881.

MR. PRESIDENT: The Committee on Public Buildings, to whom was referred Senate Bill No. 355—An Act to authorize the erection of a Sutter memorial and industrial exhibition building on the State Capitol grounds—have had the same under consideration, and respectfully report the same back without recommendation.

BAKER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1881.

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 11—Relative to the grant of the lands of the sixteenth and thirty-sixth sections made to the State of California—have had the same under consideration, and respectfully report the same back, and recommend its adoption.

BAKER, Chairman.

INTRODUCTION OF RESOLUTION.

By Mr. Sears (by leave): Senate Joint Resolution No. 6—In relation to the selection of State quarantine grounds and station.

Read and adopted.

Mr. West moved to take up Senate Bill No. 364 out of order, and make it the special order for Friday, at two o'clock P. M.

Mr. Sears asked for a division of the question.

Upon taking up the bill, the ayes and noes were demanded by Messrs. Johnson, Sears, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Anderson, Conger, Davis, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Wendell, and West—20.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Kelly, Ryan, Watson, and Zuck—18.

It requiring a two-thirds vote, the President declared the motion lost.

By Mr. Zuck (by leave):

SENATE CHAMBER, SACRAMENTO, February 22, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage beg leave to report, and recommend that the following resolution be adopted, viz.:

Resolved, That the members of the Hospital Committee, and the Clerk thereof, be and they are hereby allowed the sums set opposite to their names for mileage, viz.:

Senator Lampson.....	\$50 70
Senator Anderson.....	50 70
Senator Gorman.....	50 70
Senator Hudson.....	38 90
Clerk, F. T. Morrelle.....	82 10

And recommend that the said amounts be paid out of the appropriation for the contingent expenses of the Senate.

Also, the following, viz.:

Resolved, That the members and Clerk of the Committee on Public Buildings and Grounds be and they are hereby allowed the sums set opposite to their names for mileage, viz.:

Senator Baker.....	\$76 00
Senator Kelly.....	76 00
Senator Johnston.....	76 00
Senator Hill.....	51 40
Senator Harlan.....	51 40
Senator Traylor.....	51 40
Clerk, H. L. Cuttler.....	76 00

And recommend that the said amounts be paid out of the appropriation for the contingent expenses of the Senate.

ZUCK, Chairman.

Resolutions adopted.

SPECIAL ORDER—CONTINUED.

Substitute for Senate Bill No. 197—An Act to amend the Political Code of the State of California relating to revenue, by adding a new section, to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue.

Mr. Moreland offered the following amendment: Strike out from line seven, section one, printed bill, all after the word "provided."

Upon which the ayes and noes were demanded by Messrs. Hittell, Chase, and Wendell, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Glascock, Harlan, Johnston, Langford, Moreland, Nye, Wendell, and Zuck—12.

NOES—Messrs. Baker, Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and West—25.

Pending the roll call, Mr. Watson stated he was paired with Senator Hill. The latter would vote "aye," and he would vote "no."

Amendment lost.

Mr. Wendell moved the following amendment: Amend section one by adding the words, "but the taxation of moneys, credits, bonds, stocks, dues, and franchises, shall not be deemed double taxation."

Upon which, the ayes and noes were demanded by Messrs. Hittell, Pardee, and Wendell, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Glascock, Harlan, Hudson, Langford, Moreland, Nye, Wendell, and Zuck—11.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and West—26.

Amendment lost.

Mr. Baker moved to adjourn.

Upon which the roll was called, with the following result:

AYES—Messrs. Baker, Burt, George, Glascock, Langford, Moreland, Nelson, and Watson—8.
NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—30.

Lost.

Mr. Johnston moved the following amendment: Amend section two, page two, line nine, by adding the following: "In order to carry out the spirit and intent of the Constitution exempting growing crops from assessment and taxation, the term growing crops shall, for the purpose of assessment and taxation, be deemed to include those crops which require an annual sowing and harvesting, and all fruit and nut-bearing trees and vines until their crops are harvested."

RECESS.

Pending consideration of the amendment, the hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The question recurred on the adoption of the amendment offered by Mr. Johnston.

Mr. Johnston asked leave to offer the following amendment in place of the one offered before recess, viz.: Amend section three by inserting after the fifth subdivision the following:

Sixth—The term "growing crops" shall, for the purposes of assessment and taxation, be deemed to include those crops which require an annual planting, sowing, or harvesting, and also all fruit, nut-bearing trees, and vines.

Mr. Nye moved to amend the amendment as follows: Add thereto, "also, all horses, horned cattle, and sheep under four years old, and all hogs and other domestic animals under two years old."

Lost.

Upon the adoption of Mr. Johnston's amendment, the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Burt, Cheney, Conger, Davis, Dickinson, Enos, Johnson, Johnston, Lampson, Langford, Moreland, Nelson, Pardee, Sears, Watson, and Wendell—17.

NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, George, Glascock, Gorman, Harlan, Hittell, Hudson, Kane, Kelly, Neumann, Nye, Pool, Ryan, Satterwhite, Traylor, West, and Zuck—21.

Amendment lost.

President pro tem. Johnston in the chair.

Mr. Wendell moved to strike out section two of the bill.

Upon which the ayes and noes were demanded by Messrs. Zuck, Johnson, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Burt, Chase, Glascock, Harlan, Hudson, Langford, Moreland, Nye, Rowell, Wendell, West, and Zuck—12.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—27.

Amendment lost.

Mr. Sears offered the following amendment: Amend section three by inserting after the fifth subdivision the following:

Sixth—The term "growing crops" includes only those crops which require an annual planting or sowing, or an annual harvesting.

Mr. Johnson moved as an amendment to the amendment, the following: Add to Mr. Sears' amendment, "and also the crops of all fruit and nut-bearing trees and vines."

Senator Johnson in the chair.

Mr. Johnston moved the following amendment to Mr. Johnson's amendment: Strike out the words, "the crops of."

Mr. Johnson accepted the amendment.

Upon the adoption of the amendment to the amendment, offered by Mr. Johnson, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Pool, Sears, Watson, and Wendell—21.

NOES—Messrs. Brown, Byrnes, Carlock, Chase, Glascock, Harlan, Hittell, Hudson, Kelly, Neumann, Nye, Rowell, Ryan, Satterwhite, Traylor, and Zuck—16.

Amendment adopted.

Upon the adoption of Mr. Sears' amendment as amended, the ayes and noes were demanded by Messrs. Hittell, Neumann, and Ryan, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Cheney, Conger, Dickinson, Glascock, Johnson, Johnston, Langford, Moreland, Sears, Watson, Wendell, and West—15.

NOES—Messrs. Brown, Byrnes, Carlock, Chase, Davis, Enos, George, Gorman, Harlan, Hittell, Hudson, Kane, Kelly, Lampson, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, and Zuck—24.

Amendment lost.

President pro tem. Johnston in the chair.

Mr. Neumann moved to amend as follows: Strike out from lines seventeen and eighteen, section three thousand six hundred and fifty, printed bill, the words "unimproved and similarly situated, shall be assessed at the same value."

Upon which the ayes and noes were demanded by Messrs. Conger, Davis, and Dickinson, and the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, Enos, George, Glascock, Hudson, Kane, Lampson, Neumann, Nye, Pardee, Pool, Ryan, Traylor, and Watson—20.

NOES—Messrs. Anderson, Baker, Chase, Conger, Gorman, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Nelson, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—18.

Amendment adopted.

Mr. Nye offered the following: Amend by adding a new section in place of section ten, to read as follows:

Sec. 10. Section three thousand eight hundred and ninety-five of the said Code is hereby amended so as to read as follows:

3895. The Board must fix the compensation of the deputies so allowed, and such compensation must be paid out of the General Fund in the county treasury. The compensation must not exceed five dollars per day for each deputy for the time actually engaged.

Lost.

Mr. Sears offered the following amendment: Add the following section:

Sec. 10. Section three thousand six hundred and forty-eight of the Political Code is hereby amended so as to read as follows:

Section 3648. Any property willfully concealed, removed, transferred, or misrepresented by the owner or agent thereof, to evade taxation, upon discovery must be assessed.

Upon which, the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Byrnes, Cheney, Davis, Dickinson, Enos, George, Harlan, Hittell, Hudson, Kane, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Ryan, Sears, and Traylor—29.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Conger, Glascock, Gorman, Hill, Johnson, Johnston, Lampson, Moreland, Nye, Rowell, Satterwhite, Watson, Wendell, West, and Zuck—20.

Amendment lost.

Mr. Brown moved to reconsider the vote whereby the amendment of Mr. Sears was lost.

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Cheney, Davis, Dickinson, Enos, George, Harlan, Hittell, Hudson, Kane, Lampson, Langford, Neumann, Pardee, Sears, Traylor, and Watson—19.

NOES—Messrs. Baker, Burt, Carlock, Chase, Conger, Glasecock, Gorman, Hill, Johnson, Johnston, Kelly, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—21.

Motion lost.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 22, 1881.

MR. PRESIDENT: Your Committee on Engrossment, to whom was committed substitute for Senate Bill No. 119, report the same correctly engrossed.

GEORGE, Chairman.

Mr. Langford moved the following: Amend section two, line nine, after the word "therefor," insert the words, "wheat, barley, fruit, or nuts in transit shall not be subject to taxation."

Lost.

The question recurring on the engrossment of the bill, the ayes and noes were demanded by Messrs. Zuck, Hill, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—28.

NOES—Messrs. Burt, Brown, Chase, Glasecock, Harlan, Hill, Johnston, Langford, Moreland, Rowell, Wendell, and Zuck—12.

Ordered engrossed.

Mr. Johnson moved that Senate Bill No. 119 be made the special order for to-morrow, immediately after reading of the Journal.

So ordered.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Brown, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 23, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Johnston asked leave to introduce a resolution out of order.

Upon which the ayes and noes were demanded by Messrs. Enos, Traylor, and Glasecock.

The roll was called with the following result:

AYES—Messrs. Anderson, Chase, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Pardee, Rowell, Ryan, Satterwhite, and West—21.

NOES—Messrs. Baker, Burt, Byrnes, Carlock, Cheney, George, Hittell, Lampsom, Neumann, Nye, Pool, Sears, Traylor, Watson, Wendell, and Zuck—16.

Motion lost.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 23, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, Substitute for Senate Bill No. 197.

GEORGE, Chairman.

PETITION.

By Mr. Pardee (by leave): From J. B. Wyman and others, asking the passage of Senate Bill No. 364—To define certain duties and powers of the Board of State Viticultural Commissioners.

Ordered on file.

SPECIAL ORDER FOR WEDNESDAY, FEBRUARY TWENTY-THIRD, IMMEDIATELY AFTER READING OF THE JOURNAL.

Senate Bill No. 119—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Read third time.

Mr. Davis moved to suspend the consideration of the pending bill temporarily, and to take up Senate Bill No. 197 on its third reading.

Upon which motion, the ayes and noes were demanded by Messrs. Davis, Johnson, and Kelly, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—28.

NOES—Messrs. Burt, Chase, Glascock, Langford, Moreland, Nye, Rowell, Wendell, and Zuck—9.

Carried.

THIRD READING OF BILLS.

Substitute for Senate Bill No. 197—An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section, to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue.

Read third time.

Mr. Wendell moved to recommit the bill to the Finance Committee, with instructions to amend the bill by striking out sections two, four, and seven of the bill.

Upon which motion, the ayes and noes were demanded by Messrs. Glascock, Moreland, and Nye, and the roll was called, with the following result:

AYES—Messrs. Burt, Chase, Glascock, Harlan, Hudson, Langford, Moreland, Nye, Rowell, Wendell, and Zuck—11.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—28.

Motion lost.

Mr. Zuck moved that the pending bill be made the special order for to-morrow, immediately after the reading of the Journal.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Burt, Chase, Cheney, Glascock, Harlan, Hudson, Langford, Nelson, Rowell, Wendell, West, and Zuck—12.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—26.

Motion lost.

The question recurring upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—30.

NOES—Messrs. Chase, Glascock, Harlan, Langford, Moreland, Nye, Rowell, Wendell, and Zuck—9.

Bill passed.

Title read and approved.

Mr. Burt gave notice of motion to reconsider the vote by which the bill passed.

Consideration of Senate Bill No. 119 resumed.

The question recurred upon the passage of the bill.

Mr. Gorman offered the following:

MR. PRESIDENT: I move to recommit the substitute adopted for Senate Bill No. 119, with instructions to amend that portion relating to the Senatorial Districts, to read as follows:

Section 1. The Counties of Humboldt and Del Norte, having a population of seventeen thousand four hundred and thirteen, shall comprise the First Senatorial District.

Sec. 2. The Counties of Modoc, Lassen, Plumas, and Sierra, having a population of eighteen thousand three hundred and fifty-eight, shall comprise the Second Senatorial District.

Sec. 3. The Counties of Siskiyou, Shasta, and Trinity, having a population of eighteen thousand two hundred and fifty-seven, shall comprise the Third Senatorial District.

Sec. 4. The Counties of Colusa and Tehama, having a population of twenty thousand six hundred and seventy-five, shall comprise the Fourth Senatorial District.

Sec. 5. The Counties of Mendocino and Lake, having a population of eighteen thousand five hundred and eighty-two, shall comprise the Fifth Senatorial District.

Sec. 6. The Counties of Butte and Sutter, containing a population of nineteen thousand eight hundred and thirty, shall comprise the Sixth Senatorial District.

Sec. 7. The Counties of Placer and Yuba, containing a population of twenty-one thousand one hundred and fifty-one, shall comprise the Seventh Senatorial District.

Sec. 8. The County of Nevada, containing a population of seventeen thousand eight hundred and twenty-one, shall comprise the Eighth Senatorial District.

Sec. 9. The Counties of Napa and Yolo, having a population of twenty-three thousand four hundred and ninety-five, shall comprise the Ninth Senatorial District.

Sec. 10. The County of Solano, having a population of seventeen thousand four hundred and eighty, shall comprise the Tenth Senatorial District.

Sec. 11. The County of Sacramento, having a population of twenty-nine thousand five hundred and twelve, shall comprise the Eleventh Senatorial District.

Sec. 12. The County of Sonoma, having a population of twenty-five thousand and twenty, shall comprise the Twelfth Senatorial District.

Sec. 13. The Counties of Marin and Contra Costa, having a population of twenty-one thousand seven hundred and ninety-two, shall comprise the Thirteenth Senatorial District.

Sec. 14. The Committee on Apportionment are instructed to divide the City and County of San Francisco into eleven Senatorial Districts, each district having a population of nineteen thousand two hundred and eighty-eight, or as near so as may be possible, to be numbered the Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, and Twenty-fourth Senatorial Districts.

Sec. 15. The County of Alameda, containing a population of fifty-eight thousand five hundred and seventy-three, shall be divided into three Senatorial Districts, as nearly equal in population as may be possible, and numbered the Twenty-fifth, Twenty-sixth, and Twenty-seventh Senatorial Districts.

Sec. 16. The Counties of San Mateo and Santa Cruz, having a population of twenty thousand three hundred and fifty-one, shall comprise the Twenty-eighth Senatorial District.

Sec. 17. The County of Santa Clara, having a population of thirty-two thousand three hundred and fifty-one, shall be divided into two Senatorial Districts, as nearly equal in population as may be possible, to be numbered the Twenty-ninth and Thirtieth Senatorial Districts.

Sec. 18. The County of San Joaquin, having a population of twenty-two thousand three hundred and seventy, shall comprise the Thirty-first Senatorial District.

Sec. 19. The Counties of Amador, El Dorado, and Alpine, having a population of nineteen thousand nine hundred and ninety, shall comprise the Thirty-second Senatorial District.

Sec. 20. The Counties of Calaveras, Tuolumne, and Mono, having a population of twenty-two thousand two hundred and forty, shall comprise the Thirty-third Senatorial District.

Sec. 21. The Counties of Stanislaus, Mariposa, Merced, and San Benito, having a population of twenty-two thousand two hundred and ninety-six, shall comprise the Thirty-fourth Senatorial District.

Sec. 22. The Counties of Tulare and Fresno, having a population of nineteen thousand seven hundred and twenty-three, shall comprise the Thirty-fifth Senatorial District.

Sec. 23. The Counties of Monterey and San Luis Obispo, having a population of nineteen thousand eight hundred and eighty-five, shall comprise the Thirty-sixth Senatorial District.

Sec. 24. The Counties of Santa Barbara, Ventura, and Kern, having a population of nineteen thousand one hundred and thirty-eight, shall comprise the Thirty-seventh Senatorial District.

Sec. 25. The County of Los Angeles, having a population of thirty-two thousand two hundred and nine, shall be divided into two Senatorial Districts, as nearly equal in population as may be possible, and numbered the Thirty-eighth and Thirty-ninth Senatorial Districts.

Sec. 26. The Counties of Inyo, San Bernardino, and San Diego, having a population of eighteen thousand eight hundred and ninety inhabitants, shall comprise the Fortieth Senatorial District.

Sec. 27. The County of San Francisco shall be divided into twenty-one Assembly Districts, as nearly equal in population as may be possible.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—13.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lamson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—26.

Lost.

Mr. Enos moved to recommit the bill to the committee, with instructions to amend the bill, so as to allow the City and County of San Francisco twenty-one Assemblymen.

Mr. Johnston moved to amend section fourteen, lines three and four, by striking out the words "and the first ward as at present constituted of the City of Sacramento."

Mr. Enos accepted the amendment.

Mr. Baker moved that the time of recess be extended until the pending bill be disposed of.

So ordered.

Upon recommending the bill, the ayes and noes were demanded by Messrs. Enos, Glascock, and Gorman, and the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, and Traylor—16.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Hittell, Hudson, Johnson, Lampson, Neumann, Nye, Pardee, Sears, Watson, Wendell, West, and Zuck—22.

Lost.

Mr. Rowell moved to recommit with special instructions to committee to amend by adding to line one, section seventy-six, printed bill, the words "and Mariposa" after the word "Tuolumne." Also, substitute the letters "ies" instead of the letter "y," as terminal for the word "county," in same line.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pool, Rowell, Ryan, and Satterwhite—15.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Lampson, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

Motion lost.

The question recurring upon the passage of the bill, the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Hittell, Hudson, Johnson, Lampson, Neumann, Nye, Pardee, Satterwhite, Sears, Watson, Wendell, West, and Zuck—23.

NOES—Messrs. Anderson, Davis, Enos, Glascock, Gorman, Harlan, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, and Traylor—16.

Bill passed.

Title read and approved.

Mr. Satterwhite gave notice of motion to reconsider.

RECESS.

At twelve o'clock and forty-five minutes, on motion of Mr. Johnson, the Senate took a recess until two o'clock and thirty minutes p. m.

REASSEMBLED.

The Senate reassembled at two o'clock and thirty minutes p. m. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Moreland moved to take up Senate Bill No. 183 for consideration.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Wendell, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Neumann, Pool, Rowell, Ryan, Satterwhite, Sears, and West—19.

NOES—Messrs. Baker, Burt, Brown, Chase, Cheney, Davis, Dickinson, George, Hittell, Hudson, Nye, Watson, Wendell, and Zuck—14.

Motion lost.

Mr. Neumann (by leave) offered the following: Senate Joint Resolution No. 7:

WHEREAS, A bust of the late John B. Weller, formerly Governor of the State of California, has been offered to the State by Charles L. Weller, Esq.;

Resolved by the Senate, the Assembly concurring, That said offering be accepted, and that the State Librarian be instructed to place the same in the State Library.

Read and adopted.

SECOND READING OF BILLS—RESUMED.

Consideration of Senate Bill No. 40 resumed.

Mr. Johnson moved to amend section four thousand and nineteen, by adding thereto as follows, viz.: "*Provided*, that the Supervisors elected in eighteen hundred and eighty shall be permitted to serve out the full term for which they were elected, viz.: three years."

Lost.

Mr. Dickinson moved the following amendment: Strike out in section four thousand two hundred and fifty-six, on page sixty-two, of printed bill, in line three, the words "January" and "three," and insert in lieu thereof "July" and "one."

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Byrnes, Conger, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Kane, Kelly, Moreland, Nelson, Neumann, Pool, Rowell, and Ryan—18.

NOES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Davis, Glascock, Hittell, Johnston, Lampson, Langford, Nye, Pardee, Satterwhite, Sears, Watson, Wendell, West, and Zuck—19.

Amendment lost.

Mr. Zuck moved the following amendment: In section four thousand and sixty-two, line three, of printed bill, page nineteen, after the word "lumber," insert "or drainage."

Mr. Rowell moved the following amendment to the amendment: Amend section four thousand and sixty-two, line three, page nineteen, by inserting after the word "lumber," "and for drainage or purposes of irrigation."

Lost.

The question thereupon recurred upon the original amendment.

Lost.

Mr. Gorman offered the following as a substitute, to read as follows:

4009. Nothing in this Act shall apply in any manner to the time of election or terms of office, in any consolidated city or county.

Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Chase, Zuck, and Gorman, and the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hittell, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Traylor, Watson, and West—23.

NOES—Messrs. Anderson, Baker, Brown, Davis, George, Hudson, Lampson, Moreland, Sears, and Zuck—10.

Substitute adopted.

Mr. Pardee paired with Mr. Dickinson.

Mr. Dickinson would vote aye, and Mr. Pardee no.

Mr. Burt offered the following as a substitute for section four thousand two hundred and thirty-four: "The salaries provided for in section four thousand two hundred and seventeen of this Code shall be in full compensation for all services rendered by the principals of the several offices, but the Board of Supervisors of the several counties may allow each of such officials such deputies, as in the judgment of such Board may be necessary, and shall fix their compensation, and provide for the payment of the same."

REPORTS OF COMMITTEES.

By Mr. Hudson :

SENATE CHAMBER, SACRAMENTO, February 23, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 23 and 80, and that the same have this day been placed in the hands of the Governor, at two o'clock and fifteen minutes P. M.

HUDSON, Chairman.

By Mr. Lampson (by leave): Joint Report of the Committees of Senate and Assembly on the Asylum for the Insane.

Placed on file, and ordered printed.

By Mr. Zuck (by leave):

SENATE CHAMBER, SACRAMENTO, February 23, 1881.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Attorney-General be and he is hereby directed to ascertain whether the statement contained in Sunday's *Chronicle*, in relation to the Speaker of the Assembly receiving warrants drawn on the treasury by the Controller of State for eighteen dollars per day, is true or not; and if found to be true, to take such steps as will prevent the payment of all such warrants;

Have investigated the charges contained in said resolution, and beg leave to report the facts as found to be as follows:

The payroll of the Sergeant-at-Arms of the Assembly allows to Mr. Parks a per diem of ten dollars as Speaker of the Assembly, and eight dollars as a member. Mr. Parks did not draw any warrants until January twenty-second. At that time he received the warrants for the per diem of ten dollars allowed him as Speaker, and refused the warrants allowed him as a member.

February eighth Mr. Parks next applied to the Sergeant-at-Arms for his salary. At this time he received all warrants drawn in his favor, and receipted for the same, but at the same time returned to the Controller the eight-dollar warrants allowed him as a member, remarking that he did not consider the law entitled him to two per diems.

Since February eighth warrants have been drawn in favor of Mr. Parks for a per diem of eight dollars, as a member, and two dollars as Speaker. The warrants returned by Mr. Parks remain in the hands of the Controller, subject to cancellation by the Board of Examiners, or to be canceled by the Controller of his own motion at the end of the year.

It seems the Assembly payroll was made out by the Clerk to the Sergeant-at-Arms, under instructions from the Controller. The construction put upon the law by the Controller permitted the Speaker to draw two per diems. Why he should so construe the law, we are at a loss to know. An examination of the statutes shows the law for years past to have been the same as now, and the custom heretofore has been to allow one per diem ever since this has been a State, and yet Mr. Kenfield reads the law different than it was ever read before, and that, too, without any legal advice, although the Attorney-General was close at hand.

From the foregoing we are of the opinion that no blame can possibly attach to Mr. Parks in this matter.

The Controller, we think, is wrong in his interpretation of the law, and consider his action at least hasty and unprecedented.

ZUCK, Chairman.

ADJOURNMENT.

Pending consideration of the Mr. Burt's amendment to Senate Bill No. 40, at four o'clock and forty minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 24, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names :

Messes, Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read.

Mr. Davis asked that the title to Senate Bill No. 197, as it appears on page two of printed Journal, and also in Journals of February twenty-first and February twenty-second, be corrected to read as follows:

"An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section, to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue."

So ordered.

Journal as amended approved.

Mr. Davis moved to reconsider the vote by which Senate Bill No. 197 was passed.

Mr. Conger moved to lay the motion on the table.

Upon which motion the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Cheney, Conger, Dickinson, Hittell, Hudson, Johnson, Lampson, Nelson, Neumann, Pardee, Pool, Traylor, and Watson—13.

NOES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Langford, Moreland, Nye, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—25.

Lost.

Mr. Davis now moved to lay the motion to reconsider on the table.

Upon which motion the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Burt, Carlock, Cheney, Davis, Glascock, Hittell, Hudson, Lampson, Satterwhite, Watson, and West—11.

NOES—Messrs. Anderson, Baker, Chase, Conger, Dickinson, Enos, George, Harlan, Hill, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Wendell, and Zuck—23.

Lost.

The question recurred upon the motion to reconsider.

The ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Burt, Chase, Glascock, Harlan, Hill, Langford, Nye, Rowell, Wendell, and Zuck—10.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Johnson, Kane, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, and West—26.

Motion lost.

Mr. Neumann arose to a question of privilege, in regard to statements concerning himself in the *Daily Examiner* of San Francisco.

Mr. Johnson now moved, pursuant to notice given, that the vote by which Senate Bill No. 119 was passed, be reconsidered.

Upon which motion, the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Glascock, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Rowell, Ryan, and Satterwhite—13.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Hill, Hittell, Johnson, Lampson, Neumann, Nye, Pardee, Sears, Watson, Wendell, West, and Zuck—24.

Motion lost.

Mr. West asked leave to introduce a bill out of order.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Langford, Moreland, Pardee, Rowell, Ryan, and West—16.

NOES—Messrs. Anderson, Brown, Byrnes, Chase, Cheney, Conger, Dickinson, Enos, George, Johnson, Johnston, Kane, Kelly, Nelson, Nye, Pool, Satterwhite, Sears, Traylor, Watson, and Wendell—21.

Motion lost.

PETITIONS.

Petitions urging the passage of the bill "to define the duties and powers of the Board of State Viticultural Commissioners," were introduced by Messrs. Moreland, Langford, Harlan, Brown, Conger, and Anderson.

Read and referred to Committee on Agriculture.

By Mr. Neumann: From citizens of San Francisco, asking that all charges for compulsory or constructive pilotage be abolished.

Read, and referred to Committee on Commerce and Navigation.

REPORTS OF COMMITTEES.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, February 24, 1881.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 48—An Act to provide for the classification of municipal corporations—have had the same under consideration, and report same back without recommendation.

Also, Senate Bill No. 83—An Act to establish Boards of Education, and to define their powers and duties in cities, or consolidated cities and counties, of over one hundred thousand inhabitants, and to provide for the support and maintenance of common schools in such cities, or consolidated cities and counties—and report same back without recommendation.

Also, Senate Bill No. 255—An Act for the government of cities of the fourth class—and report same back without recommendation.

Also, Senate Bill No. 342—An Act to prohibit visiting physicians and visiting surgeons to city, or city and county, or county hospitals from receiving salaries or compensation from such city, city and county, or county—and report same back without recommendation.

HITTELL, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, February 24, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 137—An Act to add section two hundred and eighty-eight to the Code of Civil Procedure—have had the same under consideration, and report the same back and recommend its passage.

Also, Assembly Bill No. 177—An Act to amend section four thousand and forty-eight of the Political Code, in relation to funding and refunding county indebtedness—and recommend its passage.

Also, Assembly Bill No. 180—An Act to amend section one hundred and seventy-one of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to Courts of justice, and various officers connected therewith, and to prohibit Justices, Judges, or Justices of the Peace from practicing law, or from acting as attorneys or agents in certain cases—and recommend its passage.

Also, Assembly Bill No. 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions—and recommend its passage.

Also, Senate Bill No. 153—An Act to amend an Act entitled an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March twenty-fifth, eighteen hundred and eighty—and recommend its passage.

Also, Senate Bill No. 325—An Act to amend section forty-seven of the Code of Civil Procedure, relating to sessions of the Supreme Court—and recommend its passage.

Also, Senate Bill No. 366—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure, relating to appeals—and recommend its passage.

Also, Senate Bill No. 261—An Act to amend section one hundred and seventy of the Code of Civil Procedure of the State of California, relating to the disqualification of Judges—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 185—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure, providing for appeals from Superior Courts to the Supreme Court—and recommend that it do not pass.

Also, Assembly Bill No. 66—An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two—and recommend that it do not pass.

Also, Assembly Bill No. 241—An Act to amend section six hundred and sixty-five of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, in relation to cases reserved for argument—and recommend that it do not pass.

Also, Senate Bill No. 281—An Act to amend section three thousand three hundred and thirty-four of an Act entitled an Act to establish a Civil Code, approved March twenty first, eighteen hundred and seventy two, relating to damages—and recommend that it do not pass.

Also, Assembly Bill No. 194—An Act to provide for the publication of notices—and recommend that it do not pass.

WENDELL, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1881.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate bills:

Senate Bill No. 35—An Act to provide for and enforce liens of mechanics, material-men, artisans, and laborers;

Also, Senate Bill No. 114—An Act providing for the recovery of money paid on contracts for the sale of shares of the capital stock of any corporation or association on margin, to be delivered at a future day;

Also, Senate Bill No. 177—An Act fixing the jurisdiction and prescribing compensation for Justices of the Peace in cities and counties;

Also, Senate Bill No. 224—An Act to amend section one thousand one hundred and eighty-three of the Code of Civil Procedure, relating to the liens of mechanics and others upon real property;

Also, Senate Bill No. 155—An Act in relation to the business in which Chinese shall be permitted to engage in California;

Also, Senate Bill No. 51—An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, any county, city and county, municipality, or other political subdivision of this State is a party;

Also, Senate Bill No. 277—Proposed amendment to the Constitution of the State of California. The Legislature of the State of California, at its twenty-fourth session, proposes the following amendment to the Constitution of the State of California, to be designated No.—, to amend section nine, of article thirteen, of the Constitution;

Also, Senate Bill No. 288—An Act to amend section one thousand and twenty-one of the Code of Civil Procedure;

Also, Senate Bill No. 289—Amendment to Constitution;

Also, Senate Bill No. 293—Recommending certain amendments to the Constitution of the State;

Also, Senate Bill No. 304—Amendment to Constitution, article thirteen, section one;

Also, Senate Bill No. 306—Amendment to Constitution;

Also, Senate Bill No. 317—Amendment to Constitution;

Also, Senate Bill No. 324—Amendment to Constitution;

Also, Senate Bill No. 328—Amendment to Constitution;

Also, Senate Bill No. 214—An Act to add a new section to the Penal Code, to be known as section four hundred and forty-four, making non-compliance with the requirements of section two, article thirteen, of the Constitution, a felony;

Also, Senate Bill No. 338—An Act to permit the voters of every county, city, town, or township in this State to vote on and thereby determine the question of granting license to sell intoxicating liquors within its limits;

Also, Senate Bill No. 74—An Act to amend sections fifty-nine and sixty of the Civil Code, relating to marriages;

Also, Senate Bill No. 101—An Act to amend section sixty of the Civil Code, relating to void and illegal marriages;

Also, Senate Bill No. 295—An Act to provide for the Health Departments and Boards of Health for cities, and for consolidated cities and counties, and for counties;

Report that they have not been able to examine the same sufficiently to make any recommendation in reference to them, and believing that at this stage of the session, and in view of the crowded condition of the files, that it would be useless to retain them for such examination, the committee report them back without recommendation.

WENDELL, Chairman.

By Mr. Pardee :

MR. PRESIDENT : Your Committee on Finance, to whom was referred Senate Bill No. 298—“An Act to impose a tax on dogs”—have had the same under consideration, and recommend that it do pass.

PARDEE, Chairman.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 19, 1881.

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 336—An Act to provide a Contingent Fund for the Legislature.

Also, Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to property set apart to the use of the family.

GEORGE C. PERKINS, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1881.

MR. PRESIDENT : I am directed to inform your honorable body that the Assembly, on February nineteenth, eighteen hundred and eighty-one, passed Assembly Bill No. 263—An Act entitled an Act to amend section one thousand four hundred and sixty-six, and to repeal section one thousand four hundred and sixty-eight of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and of the Acts amendatory thereof, relating to appeals to Superior Courts.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 263—As above, read first time and referred to Judiciary Committee.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1881.

MR. PRESIDENT : I am directed to inform your honorable body that the Assembly, on February eighteenth, eighteen hundred and eighty-one, passed Assembly Bill No. 168—An Act to transfer the cabinet of minerals in the State Library, and all the surveying and other instruments and material belonging to the State Geological Survey, now stored at the University of California, to the State Mineralogist.

Also, Assembly Bill No. 59—An Act to amend an Act entitled an Act for the protection of settlers on public lands claimed by the State, approved March tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 116—An Act to appropriate money to reimburse Frank W. Gross, Clerk of the Supreme Court, for money expended by him in his office.

Also, Assembly Bill No. 202—An Act to provide a State Hospital and Asylum for miners.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 168—As above, read first time and referred to the Committee on Mines and Mining.

Assembly Bill No. 59—As above, read first time and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 116—As above, read first time and referred to the Committee on Claims.

Assembly Bill No. 202—As above, read first time and referred to the Committee on Mines and Mining.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, eighteen hundred and eighty-one, passed Assembly Bill No. 484—An Act to define and enlarge certain duties and powers of the Board of State Viticulturist Commissioners, relating to the eradication and to prevent the spreading of diseases of the vine.

J. M. WRIGHT, Assistant Clerk.

President pro tem. in the chair.

Assembly Bill No. 484—As above, read first time.

Mr. Hill moved that the bill be referred to Committee on Agriculture.

RECESS.

Pending consideration of the motion, the hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. Johnston in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Consideration of Assembly Bill No. 484 resumed.

Referred to Committee on Agriculture.

REPORTS OF COMMITTEES.

By Mr. Neumann (by leave):

SENATE CHAMBER, SACRAMENTO, February 24, 1881.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 202—An Act to provide a State hospital and asylum for miners—and Assembly Bill No. 168—An Act to transfer the cabinet of minerals in the State Library, and the surveying and other instruments belonging to the State Geological Survey, to the State Mineralogist, beg leave to report that they have had the same under consideration, and report the same back with a recommendation that they do pass.

NEUMANN, Chairman.

Mr. West moved to take up Assembly messages.

So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, February twenty-third, eighteen hundred and eighty-one, adopted Senate Joint Resolution No.

7—Relative to the presentation of the bust of the late John B. Weller, formerly Governor of the State of California, to the State.

GEORGE E. McSTAY, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-third, eighteen hundred and eighty-one, adopted Assembly Concurrent Resolution No. 25—Relative to the adjournment *sine die* of the twenty-fourth session of the Legislature.

FRANK J. HIGGINS, Assistant Clerk.

Mr. Davis moved that Assembly Concurrent Resolution No. 25—As above, be made the special order for Monday next, at two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Glascock, Zuck, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Gorman, Hittell, Hudson, Johnston, Kelly, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, Watson, and Wendell—20.

NOES—Messrs. Anderson, Burt, Chase, Enos, George, Glascock, Harlan, Hill, Johnson, Kane, Langford, Moreland, Neumann, Pool, Traylor, West, and Zuck—17.

Carried.

Mr. Lampson stated that he was paired with Mr. Sears. Mr. Lampson would vote aye, and Mr. Sears no.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-fourth, eighteen hundred and eighty-one, passed Assembly Bill No. 150—An Act to amend section six hundred and thirty-six of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to fishing.

Also, adopted Senate Concurrent Resolution No. 12—Relative to the payment of claims for transporting and equipment of troops.

Also, Senate Joint Resolution No. 6—Relative to the selection of State quarantine grounds and station.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 150—As above, read first time and referred to Committee on Fish and Game.

SECOND READING OF BILLS.

Consideration of Senate Bill No. 40 resumed.

Mr. Burt offered the following substitute for section four thousand two hundred and thirty-four:

4234. The salaries provided for in section four thousand two hundred and seventeen of this Code shall be in full compensation for all services rendered by the principals of the several offices, but the Board of Supervisors of the several counties may, by order entered upon the records, allow each of such officials such deputies as in the judgment of said Board may be necessary. The salary of such deputies shall be one hundred dollars per month, and shall be payable out of the County Salary Fund. The Board may, by a similar order, dispense with any or all of such deputies when, in the judgment of said Board, the services of such deputy or deputies are not required.

Mr. Rowell moved the following amendment to the substitute: Amend so as to read "in no case to exceed one hundred dollars per month."

Mr. Burt accepted the amendment.

Upon the question of the adoption of the substitute, the ayes and

noes were demanded by Messrs. Rowell, Baker, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Harlan, Hill, Hudson, Johnston, Moreland, Rowell, and West—14.

NOES—Messrs. Anderson, Carlock, Enos, George, Glascock, Hittell, Johnson, Kane, Lampson, Nye, Pardee, Ryan, Satterwhite, Sears, Watson, and Wendell—16.

Substitute lost.

Mr. Ryan moved the following amendment: Amend section four thousand two hundred and sixteen by striking out all of said section from and after the word "divided," in line two, of printed bill, and insert in lieu thereof, the following words: "Into fifty-two classes, each county shall form a class, for the purpose of fixing the salaries of county offices."

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Wendell, and Sears, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, George, Harlan, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, and Watson—20.

NOES—Messrs. Anderson, Burt, Chase, Conger, Davis, Dickinson, Enos, Gorman, Hill, Hittell, Pardee, Sears, Wendell, West, and Zuck—15.

Amendment adopted.

Mr. Johnson moved the following: I move to amend by inserting after the word "Clerk," in line five of section four thousand and seventy-five, page twenty-one, printed bill, the words "or County Auditor."

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Zuck, and Anderson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, George, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Sears, and Watson—24.

NOES—Messrs. Hill, Lampson, Pool, Wendell, West, and Zuck—6.

Motion carried.

Mr. Zuck moved the following amendment: In section four thousand and seventy-five, in line three, strike out all of the section after the word "officers."

A division of the vote being demanded, the motion was lost by the following vote: Ayes, 5; noes, 15.

Mr. Johnson moved the following amendment: I move to amend section four thousand and eighteen, by striking out the words "Board of Supervisors," in line two of said section, printed bill, and insert in lieu thereof, the word "Governor."

Upon which motion the ayes and noes were demanded.

The roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Hill, Hudson, Johnson, Johnston, Lampson, Nye, Sears, and Watson—14.

NOES—Messrs. Anderson, Chase, Davis, George, Glascock, Gorman, Hittell, Kane, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Traylor, Wendell, West, and Zuck—19.

Amendment lost.

Mr. Johnson moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Moreland, and Pardee.

The roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, Conger, Davis, George, Hudson, Johnson, Johnston, Lampson, Moreland, Nye, Pardee, Pool, Sears, Traylor, Watson, and Zuck—18.

NOES—Messrs. Baker, Burt, Carlock, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Nelson, Rowell, Ryan, Wendell, and West—16.

ADJOURNMENT.

At four o'clock and thirty-five minutes p. m. the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Friday, February 25, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read.

Mr. Johnson moved to strike out of minutes, printed copy, page two, the following: "Senator Hill having had an opportunity of stating his views on Senate Bill No. 197."

So ordered.

Journal, as amended, approved.

Mr. Davis moved that Senate Bill No. 347 be made the special order for this afternoon, at three o'clock.

Upon which motion the ayes and noes were demanded by Messrs. Davis, Kane, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Davis, Enos, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Rowell, Satterwhite, Traylor, Wendell, and West—22.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Dickinson, George, Hill, Lampson, Neumann, Pardee, Pool, Ryan, Sears, Watson, and Zuck—18.

Motion lost.

REPORTS OF COMMITTEES.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, February 25, 1881.

MR. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 116—An Act to appropriate money to reimburse Frank W. Gross, Clerk of the Supreme Court, for money expended by him in his office—have had the same under consideration, report back, and recommend that it be indefinitely postponed.

TRAYLOR, Chairman.

By Mr. Carlock :

SENATE CHAMBER, SACRAMENTO, February 24, 1881.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 150—An Act to amend section six hundred and thirty-six of the Penal Code—have had the same under consideration, and report the same back with amendments, and recommend that it do pass.

CARLOCK, Chairman.

Mr. Johnson moved that above bill be now considered.

Upon which motion the ayes and noes were demanded by Messrs. Traylor, Lampson, and Hittell.

The roll was called, with the following result :

AYES—Messrs. Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Moreland, Neumann, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Burt, Brown, Conger, Glascock, Hittell, Johnston, Lampson, Langford, Nye, Pardee, Pool, and Traylor—13.

Carried.

SECOND READING.

Assembly Bill No. 150—An Act to amend section six hundred and thirty-six of the Penal Code.

Read second time.

Committee report following amendment: Amend title by adding the letter "s" to the word "section," and inserting immediately after the figures six hundred and thirty-six the following figures, "six hundred and thirty-four."

Upon the adoption of the amendment the ayes and noes were called, with the following result:

AYES—Messrs. Chase, Cheney, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Langford, Moreland, Nelson, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Burt, Brown, Conger, Davis, Dickinson, Glascock, Hittell, Johnston, Kelly, Lampson, Nye, Pardee, Pool, and Traylor—15.

Amendment adopted.

Amendment of committee adopted, and bill ordered to third reading.

Mr. Harlan moved that Senate Bill No. 319 be referred to Committee on Swamp and Overflowed Lands.

Mr. Brown moved to amend the motion so that the bill retain its place on the file, after being reported back.

Mr. Johnston moved as a substitute to now take up Senate Bill No. 319 for consideration.

Upon the adoption of the substitute the ayes and noes were demanded by Messrs. Byrnes, Hittell, and Lampson, and the roll was called, with the following result :

AYES—Messrs. Chase, Conger, Davis, Enos, Glascock, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Moreland, Nelson, Pardee, Rowell, Satterwhite, Traylor, and West—18.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Dickinson, George, Gorman, Hill, Lampson, Neumann, Pool, Ryan, Sears, Watson, Wendell, and Zuck—19.

Motion lost.

REPORTS OF COMMITTEES.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, February 24, 1881.

MR. PRESIDENT: The Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to whom was referred Senate Bill No. 367—An Act to provide for ascertaining the amount of the equitable claims of contractors, for work done under the provisions of an Act entitled an Act to promote drainage, and to appropriate money to pay the same—have had the same under consideration, and now report the same back as amended without recommendation.

JOHNSON, Chairman.

By Mr. West:

SENATE CHAMBER, SACRAMENTO, February 25, 1881.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 484—An Act to define and enlarge certain duties and powers of the Board of State Viticultural Commissioners, relating to the eradication, and to prevent the spreading of diseases of the vine—have had the same under consideration, and report the same back with an amendment, and recommend its passage as amended.

WEST, Chairman.

Mr. West moved that Assembly Bill No. 484 be now taken up for consideration on its second reading.

So ordered.

Amendment proposed by committee adopted.

Mr. Brown moved that the bill go to the file.

Upon which motion the ayes and noes were demanded by Messrs. Neumann, Pardee, and Pool, and the roll was called, with the following result:

AYES—Messrs. Burt, Brown, George, Gorman, Kelly, Nelson, Watson, and Zuck—8.

NOES—Messrs. Anderson, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Langford, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—25.

Lost.

Mr. Brown moved that the pending bill be made the special order for Monday next, immediately after the recess.

Upon which motion the ayes and noes were demanded by Messrs. Brown, Kelly, and Nelson, and the roll was called, with the following result:

AYES—Messrs. Burt, Brown, George, Kelly, Watson, and Zuck—6.

NOES—Messrs. Anderson, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, Glasecock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Langford, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—28.

Motion lost.

Consideration of Assembly Bill No. 484 resumed.

Read second time.

Mr. Brown moved to amend by striking out section three.

Mr. Rowell moved that the bill be taken up immediately after recess, to be continued until disposed of.

Carried.

Mr. Johnson moved to take a recess.

Carried.

RECESS.

At twelve o'clock and twenty-five minutes M., the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

SECOND READING RESUMED.

Assembly Bill No. 484 resumed.

The question recurred upon the motion of Mr. Brown to strike out section three of the pending bill.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-fourth, eighteen hundred and eighty-one, passed Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

FRANK J. HIGGINS, Assistant Clerk.

Mr. Johnson moved to take up the above bill.

Carried.

Assembly Bill No. 152—As above, read first time.

Mr. Johnson moved to make the same the special order for Monday next, at two o'clock.

Mr. Baker moved to amend by making the bill the special order for Monday next, immediately after reading of the Journal.

Upon the amendment, the ayes and noes were demanded by Messrs. Satterwhite, Glascock, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Davis, Glascock, Gorman, Hill, Hittell, Kane, Lampson, Moreland, Nye, Satterwhite, and Sears—13.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Harlan, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Traylor, Wendell, and Zuck—25.

Amendment lost.

The question recurred upon the motion to make the bill a special order for Monday next, immediately after consideration of the special order previously set.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, February twenty-fifth, eighteen hundred and eighty-one, passed Assembly Bill No. 242—An Act to amend section four hundred and sixteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to fees for services performed in the office of Secretary of State.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 249—As above, read first time and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-fourth, eighteen hundred and eighty-one, passed Assembly Bill No. 266—An Act to add a new section to an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits, and the liability of depositaries.

Also, Assembly Bill No. 267—An Act to amend section one thousand three hundred and three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Also, Assembly Bill No. 211—An Act relative to apprentices and minors and masters.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 266—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 267—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 211—As above, read first time and referred to Judiciary Committee.

Mr. Neumann moved to take up out of order Senate Concurrent Resolution No. 32.

So ordered.

Senate Concurrent Resolution No. 32—Relative to protecting adopted citizens who are natives of Costa Rica.

Read second time, and ordered engrossed.

Assembly Bill No. 484 resumed.

The question recurred upon the motion to strike out section three of the bill.

Lost.

Mr. Hittell moved the following amendment: Strike out from line six, section three, printed bill, the word "suspected." Also strike out from line seventeen, same page, the word "suspected."

Upon which motion the ayes and noes were demanded by Messrs. Enos, Hittell, and Langford, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Chase, Davis, Enos, George, Glasecock, Gorman, Hittell, Hudson, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Pool, Ryan, and Traylor—20.

NOES—Messrs. Anderson, Burt, Byrnes, Cheney, Conger, Dickinson, Harlan, Hill, Johnson, Langford, Moreland, Pardee, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—19.

Amendment adopted.

Mr. Johnston moved to strike out, in section four, line ten, the word "suspected" and insert the word "infected."

Adopted.

Mr. Gorman moved to amend section seven, by striking out the word "two," in line two, and substitute the word "one."

A division of the vote being demanded, the motion prevailed by the following vote: Ayes, 17; noes, 14.

Mr. Zuck offered the following amendment: In section four, line thirty-one, printed bill, after the word "vine" insert "or fruit."

Adopted.

Mr. Zuck: In section four, line thirty-three, after word "vine" insert words "or fruit."

Adopted.

Senator Davis in the chair.

Mr. Johnston moved the following amendment: Amend by inserting after section seven:

Section 8. The Board of State Viticultural Commissioners shall also appoint an officer, who shall be especially qualified by practical experience in horticulture for the duties of his office, to perform similar duties respecting the protection of fruit and fruit trees, as are provided for in this Act in reference to grapevines, with like powers, and the salary and traveling expenses of such officer shall be fixed by the said Board at the same amount provided for in the case of the Chief Executive Viticultural Officer, and the said Board shall have power to establish such quarantine rules and regulations as are required for the protection of fruit and fruit trees from the spread of insect pests.

Upon which motion the ayes and noes were demanded by Messrs. Zuck, Johnston, and Pardee, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Pardee, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—27.

NOES—Messrs. Chase, Hittell, Hudson, Kane, and Pool—5.

Adopted.

Mr. Burt moved the following amendment: Amend by striking out section eight, as it stands in original printed bill.

Lost.

Mr. Johnston moved to amend section eight by making it read "section nine;" amend section nine by making it read "section ten."

Adopted.

Mr. Johnson moved to amend the title by making it read as follows: "An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture."

Adopted.

Mr. Nye moved the following substitute for section eight, printed bill: "There shall be collected by the Health Officer the sum of five dollars per acre for each acre of vineyard or orchard examined, which sum, with all other fees and fines, shall be paid to the Treasurer of the Viticultural Association, and shall form a fund out of which shall be paid the compensation of the officers, and which compensation shall be fixed by the said Board."

Lost.

Mr. George moved the following amendment: Amend by striking out from line four, section eight, printed bill, the word "ten," and insert "five;" also, in line five, the word "ten," and insert the word "five."

Upon which the ayes and noes were demanded by Messrs. Burt, Hittell, and Conger, and the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Carlock, Chase, George, Hill, and Kelly—7.

NOES—Messrs. Anderson, Baker, Conger, Dickinson, Enos, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—25.

Amendment lost.

Mr. Johnston moved to amend section seven, line two, printed bill, by striking out "one hundred and fifty," and insert "two hundred."

Upon which the roll was called, with the following result:

AYES—Messrs. Baker, Conger, Davis, Enos, George, Hittell, Johnson, Johnston, Kane, Langford, Nelson, Pool, Rowell, Sears, and West—15.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Gorman, Harlan, Hill, Hudson, Kelly, Moreland, Nye, Ryan, Watson, Wendell, and Zuck—16.

Amendment lost.

Mr. George moved to amend by adding to section nine the following: "Provided, that no claim shall be paid out of said appropriation until the same shall have been presented to and approved by the State Board of Examiners."

Upon which the ayes and noes were demanded by Messrs. Burt, Johnson, and Enos, and the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Hill, Hittell, Hudson, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Watson, Wendell, and Zuck—25.

NOES—Messrs. Anderson, Enos, Johnson, Langford, Sears, and West—6.

Adopted.

Bill ordered to a third reading.

Mr. Sears moved to take up Senate Bills Nos. 258 and 344.

So ordered.

Senate Bill No. 258—An Act to amend sections eleven and seventeen of an Act entitled an Act to define, regulate, and govern the State Prison of California, approved April fifteenth, eighteen hundred and eighty.

Read second time.

Substitute of committee adopted.

Mr. Hittell moved to amend by striking out from line one, section one, printed bill, the words "said Act," and inserting instead the words, "An Act entitled an Act to define, regulate, and govern the State Prisons of California," approved April fifteenth, eighteen hundred and eighty.

Adopted.

Bill ordered engrossed.

President Mansfield in the chair.

Senate Bill No. 344—An Act to provide for the completion of the wall around the State Prison at Folsom.

Read second time.

Ordered engrossed.

Mr. Dickinson moved to take up Assembly Bill No. 68.

So ordered.

Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of the Code of Civil Procedure, relating to escheated estates, or to provide for the sale thereof.

Read second time, and ordered to third reading.

Mr. Pardee moved to adjourn.

Lost.

Mr. Johnson moved to take up Assembly Bill No. 85.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Langford, Nelson, Pool, Rowell, Ryan, and West—23.

NOES—Messrs. Burt, Chase, Kane, Nye, Pardee, and Watson—6.

Carried.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 25, 1881.

MR. PRESIDENT: Your Committee on Emigration have examined and report as correctly engrossed the following, viz.: Senate Concurrent Resolution No. 32—Relative to protecting adopted citizens who are natives of Costa Rica.

GEORGE, Chairman.

Assembly Bill No. 85—An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the Port of San Francisco.

Read second time.

Mr. Hittell moved to strike out the following in section two: "Provided, that no work performed under this Act shall be done by Chinamen or Mongolians."

Lost.

Bill ordered to third reading.

Mr. Johnson moved to take up Assembly Bill No. 95.

So ordered.

Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands.

Read second time.

Mr. Johnson offered the following amendment to title: Amend title by inserting after the word "agricultural," the words "swamp and overflowed."

Adopted.

Bill ordered to a third reading.

ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, February 26, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hall, Hittell, Hinson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and amended as follows: On page seven, printed Journal, fourth line from top, strike out "George," and insert "Johnston;" also, on page eight, line nine, strike out "Wendell."

Journal, as amended, approved.

Mr. Davis asked leave of absence for Mr. Brown.
Granted.

REPORTS OF COMMITTEES.

By Mr. Davis:

SENATE CHAMBER, SACRAMENTO, February 25, 1881.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 360, have had the same under consideration, and report it back without recommendation.

DAVIS, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, February 26, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 211—An Act relative to apprentices and minors and masters—have had the same under consideration, and report the same back and recommend its passage.

Also, Assembly Bill No. 267—An Act to amend section one thousand three hundred and three of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing—and recommend its passage.

Also, Assembly Bill No. 266—An Act to add a new section to an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits, and the liability of depositaries—and recommend that it do not pass.

Also, Assembly Bill No. 263—An Act entitled an Act to amend section one thousand four hundred and sixty-six, and to repeal section one thousand four hundred and sixty-eight of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and of the Acts amendatory thereof, relating to appeals to Superior Courts—and recommend that it do not pass.

Also, Assembly Bill No. 79—An Act to prohibit the naturalization of Chinese or Mongolians in the State of California—and recommend that it do not pass.

Also, Assembly Bill No. 52—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-nine, seven hundred and fifty, and seven hundred and fifty-one, concerning actions to establish lost boundaries to real property—and recommend that it do not pass.

WENDELL, Chairman.

Also:

SENATE CHAMBER, February 27, 1881.

MR. PRESIDENT: The Committee on County and Township Governments, to whom was referred Senate Bill No. 357—An Act to create the County of Orange, to establish the boundaries thereof, and to provide for its organization, have had the same under consideration, and report the same back and recommend its passage.

Also, Senate Bill No. 253—An Act to amend section three thousand eight hundred and ninety-five of the Political Code, relating to revenue—and recommend that it do not pass.

WENDELL, Chairman.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 26, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report as correctly engrossed the following, viz:

Senate Bill No. 344—An Act to provide for the completion of the wall around the State Prison at Folsom.

GEORGE, Chairman.

PETITIONS.

Mr. Moreland presented a petition, urging the passage of the bill to define the duties of the Viticultural Commissioners.

Referred to Agricultural Committee.

RESOLUTIONS.

By Mr. Sears:

Resolved, That the Senate have evening sessions, commencing Monday, February twenty-eighth, and continue every evening till final adjournment. Said evening sessions will meet at seven o'clock and thirty minutes P. M.

Laid over under the rules.
By Mr. Johnson:

Resolved, That the sum of sixty dollars be and the same is hereby appropriated out of the fund for the contingent expenses of the Senate, to be paid to J. F. Carter for services rendered in lighting the gas in the Senate Chamber during the present session of the Senate.

Read, and referred to Committee on Contingent Expenses and Mileage.

Mr. Lampson moved to take up Senate Bill No. 356 for consideration on second reading.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Lampson, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Hill, Hittell, Johnston, Kane, Kelly, Lampson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, and Zuck—20.

NOES—Messrs. Anderson, Burt, Dickinson, Enos, Glaseock, Gorman, Harlan, Hudson, Johnson, Moreland, Nelson, Watson, Wendell, and West—14.

Motion lost.

Mr. Hittell asked leave of absence for Mr. Traylor until Monday afternoon next.

Granted.

REPORTS OF COMMITTEES.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 26, 1881.

MR. PRESIDENT: The Committee on Public Buildings, to whom was referred Senate Bill No. 365—An Act creating the office of Examiner of Public Buildings and Grounds' Accounts, and prescribing his duties and powers—have had the same under consideration, and respectfully report the same back without recommendation.

BAKER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1881.

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 2—Relative to donations to railroad corporations;

Also, Assembly Concurrent Resolution No. 3—Relative to sale of timber lands along the headwaters of streams in the Sierras;

Report that they have not been able to examine the same sufficiently to make any recommendation in reference to them, and believing that at this stage of the Session, in view of the crowded condition of the files, that it would be useless to retain them for such examination, the committee report them back without recommendation.

BAKER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1881.

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 16—Relative to asking the President of the United States to pardon the convicted Mussel Slough settlers—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, upon the ground that a similar resolution has already been passed by the Senate.

BAKER, Chairman.

Mr. Conger moved to take up Senate Bill No. 55 for consideration on second reading.

Mr. Hittell moved to lay the motion on the table.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Nelson, and Dickinson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Davis, Dickinson, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Lampson, Moreland, Nye, Pardee, Pool, Satterwhite, Sears, Watson, Wendell, West, and Zuck—26.

NOES—Messrs. Carlock, Conger, Enos, Johnson, Kelly, Nelson, and Ryan—7.

Motion carried.

Mr. Hill moved that Assembly Concurrent Resolution No. 2—relative to donations to railroad corporations—be now taken up for consideration.

Mr. Dickinson called for the reading of the resolution.

Upon the motion of Mr. Hill, the roll was called, with the following result:

AYES—Messrs. Burt, Chase, Davis, Hill, Hudson, Moreland, Nelson, Nye, Pool, Rowell, West, and Zuck—12.

NOES—Messrs. Anderson, Baker, Byrnes, Carlock, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Johnson, Kane, Kelly, Pardee, Ryan, Satterwhite, Sears, Watson, and Wendell—22.

Motion lost.

Mr. Gorman moved to take up Assembly Bill No. 211.

Mr. Wendell moved to lay the motion on the table.

So ordered.

Senate Bill No. 40 resumed.

Mr. Sears moved to amend, by striking out section four thousand two hundred and seventeen.

Mr. Watson moved the following amendment to the amendment: Strike out chapter four.

Mr. Pardee moved a call of the Senate.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hittell, Hudson, Kane, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, and West.

The question recurring upon the adoption of the amendment to the amendment, the ayes and noes were demanded by Messrs. Glascock, Conger, and Wendell, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Davis, Glascock, Gorman, Harlan, Hittell, Nelson, Pool, Satterwhite, Sears, Watson, and Wendell—16.

NOES—Messrs. Burt, Byrnes, Conger, Dickinson, George, Hudson, Kane, Lampson, Moreland, Nye, Pardee, Rowell, Ryan, West, and Zuck—15.

Amendment adopted.

Mr. Johnston stated that he was paired with Mr. Johnson. Mr. Johnston would vote aye, and Mr. Johnson no.

Mr. Gorman moved to reconsider the vote whereby the amendment offered by Mr. Watson was adopted.

Mr. Pardee moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck.

Absentees—Messrs. Enos, Hill, Kelly, Langford, Neumann, and Watson.

Excused—Messrs. Brown and Traylor.

The Sergeant-at-Arms was dispatched for the absentees.

The Sergeant-at-Arms presented Mr. Watson at the bar of the Senate.

Mr. Gorman moved that Mr. Watson be excused.
So ordered.

The Sergeant-at-Arms presented Mr. Enos at the bar of the Senate.
Mr. Chase moved that Mr. Enos be excused.
So ordered.

Mr. Sears moved that further proceedings under the call be dispensed with.

A division of the votes being demanded, the motion was lost, by the following vote: Ayes, 14; noes, 19.

The Sergeant-at-Arms presented Mr. Hill at the bar of the Senate.
Mr. Johnson moved that Mr. Hill be excused.
So ordered.

Mr. Johnson moved that further proceedings under the call be dispensed with.
So ordered.

The question recurred upon the motion to reconsider the vote by which the amendment to the amendment was adopted.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Burt, Byrnes, Dickinson, Enos, George, Hill, Hudson, Johnson, Lampson, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, and West—16.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Conger, Davis, Glascock, Gorman, Harlan, Hittell, Johnston, Kane, Pool, Satterwhite, Sears, Watson, Wendell, and Zuck—19.

Senate refused to reconsider.

Mr. Dickinson moved to lay the pending bill upon the table.

Upon which motion the ayes and noes were demanded by Messrs. Zuck, Wendell, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Carlock, Conger, Dickinson, Johnson, Lampson, Moreland, Nelson, Nye, Pool, and Ryan—12.

NOES—Messrs. Anderson, Baker, Chase, Cheney, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Pardee, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—23.

Motion lost.

Mr. Johnson moved to amend section four thousand and nineteen, by striking out all after the word "county," in line two of said section, printed bill, and insert in lieu thereof the words "and shall hold office for two years."

Upon which motion the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Enos, Gorman, Johnson, Johnston, Kane, Lampson, Ryan, and Satterwhite—11.

NOES—Messrs. Baker, Burt, Chase, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Moreland, Nye, Pardee, Pool, Rowell, Sears, Watson, Wendell, West, and Zuck—22.

Amendment lost.

Mr. Rowell moved the following amendment: Amend by striking out from line one, section four thousand and seventy-four, printed bill, the words "Auditor and." Also, add to section four thousand and seventy-five, "the Board may also, by ordinance as provided in this section, declare that in counties of the third class, the County Clerk shall be ex officio Auditor and Recorder."

Mr. Wendell moved to extend the hour of recess until the disposition of the pending bill.

A division of the vote being demanded, the motion prevailed by the following vote: Ayes, 18; noes, 13.

The question recurring upon the adoption of the amendment of Mr. Rowell, a division was demanded, and the motion was lost by the following vote: Ayes, 13; noes, 16.

Bill ordered engrossed.

RECESS.

At twelve o'clock and thirty minutes P. M. the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, Wendell, West, and Zuck.

Quorum present.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, February 26, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Joint Resolution No. 6, and Senate Concurrent Resolution No. 12, and that the same have this day been placed in the hands of the Governor, at twelve o'clock and forty-five minutes P. M.

HUDSON, Chairman.

Mr. Zuck moved to take up substitute for Senate Bills Nos. 94, 14, and 147.

Upon which motion the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Glascock, Harlan, Hill, Hudson, Kane, Lampson, Moreland, Nye, Rowell, Satterwhite, West, and Zuck—15.

NOES—Messrs. Baker, Chase, Conger, Davis, Dickinson, Enos, George, Hittell, Johnson, Johnston, Kelly, Nelson, Ryan, Sears, and Wendell—15.

Motion lost.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, February 26, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report as correctly engrossed the following, viz.:

Substitute for Senate Bill No. 258—An Act to amend sections eleven, seventeen, eighteen, and twenty, and to repeal section thirty of an Act entitled an Act to define, regulate, and govern the State Prisons of California, approved April fifteenth, eighteen hundred and eighty.

GEORGE, Chairman.

THIRD READING OF BILLS.

Assembly Bill No. 150—An Act to amend sections six hundred and thirty-six and six hundred and thirty-four of an Act entitled an Act

to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to fishing.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Kane, Kelly, Lampson, Moreland, Nelson, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Glascock, Hittell, Johnston, and Nye—4.

Title read and approved.

Senate Concurrent Resolution No. 32—Relative to protecting adopted citizens who are natives of Costa Rica.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—32.

NOES—None.

Title read and approved.

Assembly Bill No. 484—An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Burt, Carlock, Chase, Glascock, Hill, Kelly, and Nye—7.

Title read and approved.

Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to escheated estates, or to provide for the sale thereof.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—33.

NOES—None.

Title read and approved.

Assembly Bill No. 85—An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the Port of San Francisco.

Read third time.

Mr. Hittell moved to recommit the pending bill, with instructions to strike out the proviso in section two.

A division of the vote being demanded, the motion was lost by the following vote: Ayes, 8; noes, 12.

Mr. Kane moved to make the pending bill the special order for Tuesday next, at two o'clock P. M.

Lost.

The question recurring upon the passage of the bill, the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, and West—26.

NOES—Messrs. Burt, Carlock, Chase, Harlan, Hittell, Nye, Wendell, and Zuck—8.

Bill passed.

Title read and approved.

Mr. Kane gave notice of motion to reconsider the vote by which Assembly Bill No. 85 was passed.

Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands.

Read third time.

Mr. Glascock moved to amend, by striking out from the title the words "swamp and overflowed."

Lost.

The question recurred upon the passage of the bill, and the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, and West—26.

NOES—None.

Bill passed.

Title read and approved.

Mr. Glascock gave notice of motion to reconsider the vote by which Assembly Bill No. 95 was passed.

Senate Bill No. 258—An Act to amend sections eleven and seventeen of an Act entitled an Act to define, regulate, and govern the State Prison of California, approved April fifteenth, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Byrnes, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hittell, Johnson, Kane, Lampson, Moreland, Nye, Pool, Rowell, Satterwhite, Sears, Watson, West, and Zuck—24.

NOES—Messrs. Chase, Hill, and Wendell—3.

Title read and approved.

Senate Bill No. 344—An Act to provide for the completion of the wall around the State Prison at Folsom.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Cheney, Conger, Dickinson, Enos, George, Harlan, Johnson, Lampson, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—22.

NOES—Messrs. Chase, Davis, Gorman, Hill, Hittell, Kane, Satterwhite, and Wendell—8.

Title read and approved.

Mr. Cheney moved to take up Senate Bill No. 67 for consideration on its second reading.

Upon which motion the ayes and noes were demanded by Messrs. Zuck, Baker, and Dickinson, and the roll was called, with the following result:

AYES—Messrs. Baker, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Gorman, Hittell, Johnson, Kane, Kelly, Moreland, Pool, Ryan, Watson, and Wendell—18.

NOES—Messrs. Anderson, Burt, Byrnes, Conger, Harlan, Hill, Nye, Rowell, Satterwhite, and Zuck—10.

Motion lost.

Mr. Johnson moved that the Senate do now adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Kelly, and Dickinson, and the roll was called, with the following result:

AYES—Messrs. Chase, Cheney, Dickinson, Enos, George, Johnson, Kelly, Pool, Ryan, Satterwhite, and Watson—11.

NOES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Conger, Davis, Gorman, Harlan, Hill, Hittell, Kane, Moreland, Nye, Rowell, Sears, Wendell, and Zuck—18.

Motion lost.

SECOND READING OF BILLS.

Substitute for Senate Bills Nos. 94, 146, and 147—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred

and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Read second time.

Substitute adopted.

Mr. George moved to amend by striking out from line eleven, section two thousand six hundred and thirty-one, printed bill, the words "two dollars and fifty cents," and insert instead "three dollars."

Adopted.

Mr. Zuck moved to amend section two thousand six hundred and twenty-five, page six, line three, printed bill, by striking out the word "six" before the word "feet" and inserting the word "twenty" in lieu thereof.

Adopted.

Mr. Burt offered the following substitute for section two thousand six hundred and twenty-seven: "The Boards of Supervisors of the

several counties shall divide their respective counties into suitable road districts, and each Supervisor shall be ex officio Road Commissioner of the several road districts in his Supervisor district, and shall see that all orders of the Board of Supervisors pertaining to the roads in his district are properly executed."

Upon which the roll was called, with the following result :

AYES—Messrs. Anderson, Burt, Carlock, Chase, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Lampson, Moreland, Nye, Pardee, Ryan, Watson, Wendell, and West—21.

NOES—Messrs. Baker, Cheney, Conger, Enos, Rowell, and Zuck—6.

Substitute adopted.

Mr. West moved to amend section two thousand six hundred and twenty, in line two, by striking out the word "forty," and inserting the word "fifty."

Mr. Johnson moved to adjourn.

Upon which the roll was called, with the following result :

AYES—Messrs. Chase, Cheney, Enos, Hittell, Johnson, Kelly, Pool, Ryan, and West—9.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Kane, Nye, Pardee, Rowell, Watson, Wendell, and Zuck—18.

Lost.

Upon the adoption of the amendment by Mr. West, the roll was called, with the following result :

AYES—Messrs. Anderson, Carlock, Chase, Conger, Hittell, Johnson, Kane, Watson, Wendell, and West—10.

NOES—Messrs. Burt, Byrnes, Cheney, Davis, George, Glascock, Gorman, Harlan, Hill, Moreland, Nye, Pardee, Pool, Rowell, Ryan, and Zuck—16.

Lost.

ADJOURNMENT.

At five o'clock and forty minutes P. M., on motion of Mr. Watson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 28, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Glascock, pursuant to notice given, now moved that the vote by which Senate Bill No. 95 was passed be reconsidered.

Upon which motion the ayes and noes were demanded by Messrs. Glascock, Conger, and Harlan, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Moreland, Nye, Rowell, Ryan, Satterwhite, and West—16.

NOES—Messrs. Baker, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Johnson, Johnston, Lampson, Neumann, Pardee, Pool, Sears, Traylor, Watson, and Wendell—19.

Motion lost.

Mr. Sears moved that the rules, and the provisions of the Constitution relating to the introduction of bills, be suspended, in order to enable him to introduce a bill.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hittell, Hudson, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and West—30.

NOES—Messrs. Chase, Hill, Satterwhite, Wendell, and Zuck—5.

Motion carried.

INTRODUCTION OF BILLS.

By Mr. Sears: Senate Bill No. 368—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute for the State Prison at San Quentin, and other expenses incidental and relating thereto.

Read first time, and referred to Committee on State Prisons.

Mr. Kane now moved, pursuant to notice given, that the vote by which Assembly Bill No. 85 was passed be now reconsidered.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Burt, Chase, Cheney, Harlan, Hittell, Hudson, Johnston, Kane, Moreland, Nye, Pardee, Traylor, Wendell, and Zuck—14.

NOES—Messrs. Anderson, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Johnson, Kelly, Lampson, Nelson, Neumann, Pool, Rowell, Satterwhite, Sears, Watson, and West—22.

Motion lost.

Mr. Carlock moved to take up Assembly Bill No. 176 for consideration on second reading.

So ordered.

Assembly Bill No. 176—An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on and the action of interpleader.

Read second time, and ordered to third reading.

Mr. Traylor moved to take up Senate Bill No. 198 for consideration on second reading.

Lost.

Mr. Lampson moved to take up Senate Bill No. 356 for consideration on second reading.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Lampson, and Conger, and the roll was called, with the following result:

AYES—Messrs. Byrnes, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Wendell, West, and Zuck—21.

NOES—Messrs. Anderson, Burt, Glascock, Harlan, and Satterwhite—5.

Motion carried.

Senate Bill No. 356—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant.

Read second time.

Mr. Lampson moved the following amendment: Strike out in line five, section one, "and corporations."

Adopted.

Also, section three, strike out in line ten, "roads or;" strike out in line eleven, "roads or."

Adopted.

Bill ordered engrossed.

NOTICE.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, FEBRUARY 28, 1881.

MR. PRESIDENT: I give notice that, on to-morrow, I will call on the Committee on Commerce and Navigation for a report on Senate Bills Nos. 199, 200, 201, and 232.

W. W. TRAYLOR.

Mr. Moreland moved to take up Assembly Bill No. 183 for consideration on second reading.

A division of the vote being demanded, the motion prevailed by the following vote: Ayes, 21; noes, 4.

Assembly Bill No. 183—An Act to correct the spelling of the names of two of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts.

Read second time, and ordered to third reading.

Mr. Johnson moved to take up Senate Bill No. 126, for consideration on second reading.

So ordered.

Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment.

Read second time, and ordered to third reading.

Mr. Cheney moved to take up Assembly Bill No. 67, for consideration on second reading.

So ordered.

Assembly Bill No. 67—An Act to allow incorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners.

Read second time, and ordered to third reading.

Mr. Byrnes moved to take up Assembly Bill No. 106, for consideration on second reading.

So ordered.

Assembly Bill No. 106—An Act to repeal sections two, three, four, five, and six of an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight.

Read second time, amendments adopted, and ordered to third reading.

Mr. Dickinson moved to take up Assembly Bill No. 267, for consideration on second reading.

So ordered.

Assembly Bill No. 267—An Act to amend section one thousand three hundred and three of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Read second time, and ordered to third reading.

Mr. Davis moved that the vote by which Assembly Bill No. 199 was ordered to third reading, be now reconsidered.

So ordered.

Mr. Davis offered the following amendment: Amend by inserting after the word "examination" in line thirty-one, section one, the following: "If the defendant be held to answer to the charge."

Adopted.

Also, amend by adding to subdivision fifth, the following: "And shall in all cases file his original notes with said clerk."

Adopted.

Bill ordered to third reading.

Mr. Hill moved to take up Assembly Bill No. 108 for consideration on second reading.

So ordered.

Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen, of title three, chapter one, articles three and four, and section two hundred and forty-one, of article —, of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State.

Read second time.

Amendments of committee adopted, and bill ordered to third reading.

Mr. Traylor moved to take up Senate Bill No. 198 for consideration on second reading.

So ordered.

Senate Bill No. 198—An Act to authorize the State Board of Harbor Commissioners to determine, compromise, and agree with the claimants of the block of land bounded by Francisco, Kearny, Bay, and Montgomery streets, in San Francisco, as to the extent of the separable interests of the State of California and the said claimants in and to said block of land.

Read second time.

RECESS.

Pending consideration of the bill, and the hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Special order for Monday, February twenty-eighth, eighteen hundred and eighty-one, at two o'clock p. m.: Assembly Concurrent Resolution No. 25—Relative to the adjournment *sine die* of the twenty-fourth session of the Legislature.

Mr. Dickinson moved the adoption of the resolution.

Mr. Baker moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Mr. Davis moved that further proceedings under the call be dispensed with.

So ordered.

Assembly Concurrent Resolution No. 25 resumed.

Upon the adoption of the resolution the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Harlan, Hill, Hudson, Johnson, Lampson, Neumann, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—23.

NOES—Messrs. Anderson, Brown, Enos, Glascock, Gorman, Hittell, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Ryan, and Satterwhite—16.

Resolution adopted.

REPORTS OF COMMITTEES.

By Mr. Pardee (by leave):

SENATE CHAMBER, SACRAMENTO, February 28, 1881.

MR. PRESIDENT: The Finance Committee have had under consideration Assembly Bill No. 249, report the same back, and recommend that it do pass.

PARDEE, Chairman.

By Mr. Glascock (by leave):

SENATE CHAMBER, SACRAMENTO, February 28, 1881.

MR. PRESIDENT: Your Committee on Swamp Lands, to whom was referred Assembly Bill No. 59—An Act to amend an Act entitled an Act for the protection of settlers on public lands claimed by the State, approved March tenth, eighteen hundred and seventy-four have had the same under consideration, and report the same back, and recommend that it do pass.

JOHNSTON, Chairman.

SPECIAL ORDER.

For Monday, February twenty-eighth, eighteen hundred and eighty-one, at two o'clock p. m., immediately after the disposition of the adjournment bill: Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to

repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

Read second time.

Mr. Johnson moved to amend section one, by adding thereto as follows: "*Provided*, that the Supervisors elected in eighteen hundred and eighty, shall hold office for the term for which they were elected, viz.: three years."

Upon which motion the ayes and noes were demanded by Messrs. Zuck, Johnson, and Satterwhite, and the roll was called, with the following result:

AYES—MESSRS. BROWN, BYRNES, CHENEY, DAVIS, DICKINSON, ENOS, GEORGE, GORMAN, HARLAN, HILL, HUDSON, JOHNSON, JOHNSTON, KELLY, LAMPSON, MORELAND, NELSON, POOL, RYAN, and SEARS—20.
NOES—MESSRS. ANDERSON, BAKER, CARLOCK, CHASE, CONGER, GLASCOCK, KANE, NEUMANN, NYE, PARDEE, ROWELL, SATTERWHITE, WATSON, WENDELL, WEST, and ZUCK—16.

Amendment adopted.

Mr. Hill moved to amend by striking out from line six, section one, printed bill, the word "second," and insert the word "fourth."

Upon which motion the ayes and noes were demanded by Messrs. Wendell, Hill, and Enos, and the roll was called, with the following result:

AYES—MESSRS. BAKER, BURT, BROWN, CHENEY, DAVIS, GEORGE, HILL, KELLY, SEARS, WATSON, and WEST—11.

NOES—MESSRS. ANDERSON, BYRNES, CARLOCK, CHASE, CONGER, DICKINSON, ENOS, GLASCOCK, GORMAN, HARLAN, HITTELL, HUDSON, JOHNSON, JOHNSTON, KANE, LAMPSON, MORELAND, NELSON, NEUMANN, NYE, PARDEE, POOL, ROWELL, RYAN, SATTERWHITE, TRAYLOR, WENDELL, and ZUCK—27.

Amendment lost.

Mr. Wendell moved to amend by striking out from line three, section one, printed bill, the words "city and county."

Upon which motion the ayes and noes were demanded, and the roll was called, with the following result:

AYES—MESSRS. ANDERSON, CARLOCK, CHASE, CHENEY, ENOS, GLASCOCK, GORMAN, HARLAN, HITTELL, HUDSON, KANE, KELLY, MORELAND, NYE, PARDEE, POOL, RYAN, and WENDELL—18.

NOES—MESSRS. BAKER, BURT, BROWN, BYRNES, CONGER, DAVIS, DICKINSON, GEORGE, HILL, JOHNSON, JOHNSTON, LANGFORD, NELSON, NEUMANN, ROWELL, SATTERWHITE, SEARS, TRAYLOR, WEST, and ZUCK—20.

Amendment lost.

Mr. Dickinson moved for a reconsideration of the vote by which the amendment offered by Mr. Johnson to section one was adopted.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Dickinson, and Enos, and the roll was called, with the following result:

AYES—MESSRS. ANDERSON, BAKER, BURT, BYRNES, CARLOCK, CHASE, CONGER, DAVIS, DICKINSON, GLASCOCK, HITTELL, HUDSON, KELLY, MORELAND, NELSON, NEUMANN, NYE, PARDEE, SATTERWHITE, TRAYLOR, WENDELL, WEST, and ZUCK—23.

NOES—MESSRS. BROWN, CHENEY, ENOS, GEORGE, GORMAN, HARLAN, HILL, JOHNSON, JOHNSTON, KANE, LANGFORD, POOL, ROWELL, RYAN, SEARS, and WATSON—16.

Motion carried.

Mr. Johnson asked leave to amend the amendment by striking out the words "three years."

Granted.

Upon the adoption of the amendment the ayes and noes were demanded by Messrs. Johnson, Enos, and Conger, and the roll was called, with the following result:

AYES—Messrs. Brown, Byrnes, Cheney, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Pool, Rowell, Ryan, Sears, and Watson—16.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Dickinson, Glascock, Hittell, Hudson, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Satterwhite, Traylor, Wendell, West, and Zuck—22.

Amendment lost.

Mr. Johnson moved to amend by adding a new section after section two, to be numbered section three, and to read as follows:

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Also amend by renumbering section three as section four.

Upon which motion the ayes and noes were demanded by Messrs. Baker, Dickinson, and Ryan, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Chase, Conger, Dickinson, George, Harlan, Hill, Hudson, Johnson, Johnston, Nelson, Neumann, Nye, Ryan, Satterwhite, Sears, and Watson—20.

NOES—Messrs. Burt, Carlock, Cheney, Enos, Glascock, Gorman, Hittell, Kane, Kelly, Langford, Moreland, Pardee, Pool, Rowell, Wendell, West, and Zuck—17.

Amendment adopted.

Mr. Wendell moved to amend by striking out the words "of March," in line seven, section one, of printed bill, and inserting in lieu thereof the words "after the first day of January." Also, by striking out the words "of March," wherever they occur elsewhere in said bill, and inserting in lieu thereof the words "after the first day of January."

Upon which motion the ayes and noes were demanded by Messrs. Burt, Wendell, and Conger, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Wendell, West, and Zuck—27.

NOES—Messrs. Burt, Brown, Byrnes, Conger, George, Johnson, Johnston, Kelly, Langford, Nelson, Satterwhite, and Watson—12.

Amendment adopted.

Mr. Hittell moved to amend by adding to section one, as follows: "Provided, this section shall not be construed to amend or alter the Consolidation Act of the City and County of San Francisco, or any special Act in force in said city and county, in relation to elections of city and county officers."

Upon which motion, the ayes and noes were demanded by Messrs. Enos, Hittell, and Johnson.

The roll was called, with the following result:

AYES—Messrs. Cheney, Davis, Dickinson, Enos, Gorman, Hittell, Johnston, Kane, Kelly, Moreland, Neumann, Pardee, Pool, Ryan, and Wendell—15.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, George, Glascock, Harlan, Hill, Hudson, Johnson, Langford, Nelson, Nye, Rowell, Satterwhite, Sears, Traylor, Watson, West, and Zuck—24.

Amendment lost.

The question being: "Shall the bill be read a third time?" the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Harlan, Hill, Hudson, Johnson, Johnston, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Satterwhite, Sears, Watson, West, and Zuck—27.

NOES—Messrs. Anderson, Dickinson, Enos, Glascock, Gorman, Hittell, Kane, Kelly, Moreland, Rowell, Ryan, Traylor, and Wendell—13.

Motion carried, and bill ordered to a third reading.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, February 28, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Concurrent Resolution No. 32, and that the same has this day been placed in the hands of the Governor, at two o'clock and thirty minutes p. m.

HUDSON, Chairman.

Mr. Davis moved that the Senate do now take up Assembly messages.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Conger, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Nye, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and West—27.

NOES—Messrs. Anderson, Conger, Enos, Gorman, Langford, and Pardee—6.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-fourth, eighteen hundred and eighty-one, passed Assembly Bill No. 156—An Act to amend sections eight hundred and forty-nine, eight hundred and fifty, eight hundred and sixty-eight, nine hundred and seventy-four, and nine hundred and eighty, of the Code of Civil Procedure.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 156—As above, read first time and referred to Judiciary Committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills: Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

Also, Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have, by mistake, been withheld therefrom and appropriated to other State purposes.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 175—As above, read first time, and referred to Finance Committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese.

Also, Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 368, as above, read first time.

Mr. Davis moved that the bill be made the special order for to-morrow, at two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Gorman, and Kane, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Davis, Harlan, Hill, Hittell, Johnson, Johnston, Nelson, Neumann, Nye, Rowell, Ryan, Sears, Traylor, and West—20.

NOES—Messrs. Burt, Conger, Enos, Gorman, Hudson, Kane, Langford, Watson, and Wendell—9.

So ordered.

Mr. Pardee asked for indefinite leave of absence.

Leave granted.

Mr. Hittell moved to take up Assembly Bill No. 215, for consideration on second reading.

Mr. Johnson moved that the Senate do now adjourn.

Lost, on division of the vote.

Upon the motion to take up Senate Bill No. 215, the ayes and noes were demanded by Messrs. Johnson, Baker, and Lampson.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Harlan, Hill, Hittell, Kane, Langford, Nelson, Neumann, Nye, Rowell, Ryan, Traylor, Wendell, and West—20.

NOES—Messrs. Baker, Burt, George, Gorman, Hudson, Johnson, and Watson—7.

Motion carried.

Assembly Bill No. 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions.

Read second time and ordered to third reading.

ADJOURNMENT.

At five o'clock and twenty minutes P. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 1, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF COMMITTEES.

By Mr. Watson :

SENATE CHAMBER, SACRAMENTO, February 28, 1881.

MR. PRESIDENT: Your Committee on State Prisons, to whom was referred Senate Bill No. 368—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute for the State Prison at San Quentin, and the expenses incidental and relating thereto—have had the same under consideration, and report the same back and recommend its passage.

WATSON, Chairman.

Mr. Sears moved that article four, section fifteen, of the Constitution, relating to the reading of bills on three several days, be suspended, on the ground of urgency, in order to take up Senate Bill No. 368, on its second and third readings.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hudson, Johnston, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, West, and Zuck—27.

NOES—Messrs. Burt, Chase, Glaseock, Hittell, Kane, Neumann, Satterwhite, and Wendell—8.

Carried.

Senate Bill No. 368—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute for the State Prison at San Quentin, and other expenses incidental and relating thereto.

Read second time.

Rules and Constitution further suspended.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Johnston, Kelly, Lampson, Langford, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and West—26.

NOES—Messrs. Brown, Chase, Hittell, Johnson, Kane, Neumann, Satterwhite, and West—8.

Title read and approved.

REPORTS OF COMMITTEES.

By Mr. Dickinson :

SENATE CHAMBER, SACRAMENTO, March 1, 1881.

MR. PRESIDENT: Your Committee on Commerce and Navigation have had under considera-

tion Senate Bills Nos. 199, 200, 201, and 232, and report the same back, and recommend that the author have leave to withdraw the same.

DICKINSON, Chairman.

Mr. Traylor asked leave to withdraw the above bills.

Leave granted.

Mr. West moved to take up Assembly Bill No. 177 for consideration on second reading.

So ordered.

Assembly Bill No. 177—An Act to amend section four thousand and forty-eight of the Political Code, in relation to funding and refunding county indebtedness.

Read second time, and ordered to third reading.

Mr. West moved to take up Assembly Bill No. 178 for consideration on second reading.

So ordered.

Assembly Bill No. 178—An Act to amend section four thousand four hundred and forty-five of the Political Code, in relation to the funding and refunding of city indebtedness.

Read second time, and ordered to third reading.

Mr. Traylor moved to take up Assembly Bill No. 82 for consideration on second reading.

So ordered.

Assembly Bill No. 82—An Act making appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due to him for the twenty-ninth and thirtieth fiscal years.

Read second time, and ordered to third reading.

RESOLUTION.

Mr. Johnson introduced the following resolution :

Resolved, That the roll be called, and each Senator, as his name is called, be permitted to withdraw from the file such bills of which he is the author, as he may desire.

Resolution adopted.

Mr. Johnson asked leave to withdraw the following Senate Bills: Nos. 49, 220, 302, 332, 90, 89, 333, 334, 248, 335, 155, and 288.

So ordered.

Mr. Anderson moved to extend the time to withdraw bills until to-morrow.

So ordered.

By Mr. Lampson (by leave):

Resolved, That the Postmistress of the Senate be and she is hereby directed and authorized to remain at Sacramento for one week after the adjournment of the Legislature, for the purpose of receiving all of the mail matter of the Senators, and send the same to their address. Said Postmistress to receive thirty dollars for such services, payable out of the appropriation for the contingent expenses of the Senate.

Read, and referred to Committee on Contingent Expenses.

Mr. Sears asked leave of absence for Senator Baker.

Granted.

Mr. Neumann moved to take up Assembly Bill No. 135 for consideration on second reading.

So ordered.

Assembly Bill No. 135—An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges during the thirty-first fiscal year.

Read second time, and ordered to third reading.

Mr. Ryan moved to take up Assembly Bill No. 123, for consideration on second reading.

Upon which motion the ayes and noes were demanded by Messrs. Glascock, Gorman, and Hill, and the roll was called, with the following result:

AYES—Messrs. Cheney, Dickinson, Hill, Johnson, Johnston, Kane, Lampson, Nelson, Neumann, Pool, Rowell, Ryan, Sears, Wendell, and West—15.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hittell, Hudson, Moreland, Nye, Pardee, Satterwhite, and Zuck—17.

Motion lost.

Mr. Wendell moved to take up Substitute for Senate Bills Nos. 94, 146, and 147, for consideration on second reading.

Carried.

Mr. Gorman moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Absent—Messrs. Byrnes, Dickinson, Johnson, Kelly, and Sears.

The Sergeant-at-Arms presented Mr. Dickinson at the bar of the Senate.

Mr. Gorman moved that he be excused.

So ordered.

The Sergeant-at-Arms presented Mr. Johnson at the bar of the Senate.

Mr. Pardee moved that he be excused.

So ordered.

Mr. Davis moved that further proceedings under the call be dispensed with.

So ordered.

Mr. Dickinson asked leave of absence until after recess.

Granted.

Substitute for Senate Bills Nos. 94, 146, and 147—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and

sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-

nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Mr. Burt offered the following amendment: Amend section two thousand six hundred and eighteen by inserting the word "trail," after the word "places," in line two of printed bill.

Adopted.

Also, amend section two thousand six hundred and twenty by inserting the words "and trails," after the word "bridges," in line one of printed bill.

Adopted.

Mr. Zuck offered the following amendment: Amend section two thousand six hundred and twenty-nine, page seven, of the printed bill, by adding to said section a new subdivision, to be the eleventh, and to read as follows, viz.:

Eleventh—They may also provide for the establishment of gates on the public highways, in certain cases, to avoid the necessity of building roads and fences, and prescribe rules and regulations for closing the same, and penalties for a violation of said rules.

Mr. Davis offered the following, to be added to the amendment: "Provided, that the expense for the erection and maintenance of such gates shall in all cases be borne by the party or parties for whose immediate benefit the same shall be ordered."

Mr. Zuck accepted the amendment of Mr. Davis.

Amendment adopted.

Mr. Zuck offered the following: Amend section two thousand six hundred and thirty, page eight of printed bill, by adding to said section the following: "The bond must be approved by the Chairman of the Board."

Adopted.

Mr. Ryan offered the following amendment: Amend section two thousand six hundred and thirty-two, line two, printed bill, by striking out the word "twenty," and insert the word "forty," in lieu thereof.

Mr. Zuck offered the following as a substitute: Amend section two thousand six hundred and thirty-two, page eight, line two, printed bill, by striking out the word "twenty," after the word "exceeding," and inserting in lieu thereof the word "ten."

Substitute lost.

Amendment lost.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, March 1, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report as correctly engrossed the following Senate bills, viz:

Senate Bill No. 40.—An Act to establish a uniform system of county government, and for that purpose to repeal title two, part four, of the Political Code, and substitute a new title two of said part four thereof.

Also, Senate Bill No. 356.—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant.

GEORGE, Chairman.

Mr. Burt offered the following amendment: Amend section two thousand six hundred and thirty-two by striking out the words "of ten per cent.," in line ten of printed bill.

Adopted.

Mr. Zuck offered the following amendment: Amend section two thousand six hundred and thirty-two, page eight, line three, printed bill, by inserting after the word "purposes," the following: "To be known as the General Road Fund of the county."

Adopted.

Mr. Wendell moved to amend by striking out from lines one and two, section two thousand six hundred and fifty-nine, printed bill, the words: "The county is responsible for providing, and keeping passable and in good repair, bridges on all public highways and."

Mr. Anderson moved that the pending bill be continued until disposed of after recess.

Upon which the ayes and noes were called, with the following result:

AYES.—Messrs. Anderson, Burt, Carlock, Conger, Enos, George, Harlan, Hill, Hudson, Kane, Kelly, Langford, Moreland, Nye, Pool, Rowell, Sears, Watson, Wendell, West, and Zuck. 21.

NOES.—Messrs. Chase, Cheney, Davis, Hittell, Lampson, Neumann, Ryan, and Satterwhite—8.

Motion carried.

RECESS.

Pending consideration of the bill, the time having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, March 1, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 8, and that it has this day been placed in the hands of the Governor, at eleven o'clock.

HUDSON, Chairman.

Substitute for Senate Bills Nos. 94, 146, and 147 resumed.

The question recurred on the amendment offered by Mr. Wendell. Amendment adopted.

Mr. Zuck offered the following amendment: Amend section two thousand six hundred and forty-seven, line three, page twelve, of printed copy, by striking out all after the word "public," as far as the word "if," line six, page thirteen, and insert in lieu thereof the following: "The Board of Supervisors, upon making each and every order establishing the location or alteration of any road or highway, shall order the amount of damages sustained by each and every person owning or claiming lands, or any improvements thereon, and affected thereby, as finally fixed and assessed by them, to be set apart in the treasury, and out of the proper fund to be paid to the proper owner or claimant, if known, and to be kept for the owner if unknown, and to be paid to him or her upon showing or establishing their right or title to such lands or improvements.

Amendment adopted.

Mr. Rowell moved to amend, by inserting after the word "each," line ten, subdivision four, section two thousand six hundred and forty-four, page eleven, printed bill: "Provided, that when there are non-resident land owners, and no agent upon the land upon whom notice can be served, such non-resident land owners shall be considered as non-consenting land owners, unless their written consent shall have been obtained."

Adopted.

Mr. Langford offered the following amendment: Amend section two, page twenty, printed bill, by adding to said section two the following, viz.: "Provided, that any proceedings commenced before this Act takes effect, for the alteration, establishment, or abandonment of any road or highway, may be conducted under the provision of the law under which said proceedings were commenced."

Amendment adopted.

Mr. Wendell offered the following amendment: Amend section two thousand six hundred and twenty-eight, so as to read as follows: "A Road Overseer shall be elected in such road district at the general election in eighteen hundred and eighty-two, and every two years thereafter, who shall hold office for two years, commencing on the first Monday after the first day of January next ensuing after his election. The Road Overseer shall, under the direction of the Road Commissioner of his district, perform the duties hereinafter in this chapter specified."

A division of the vote being demanded, the motion was lost by the following vote: Ayes, 11; noes, 17.

Mr. Rowell offered the following amendment: Add another section, to be numbered two thousand six hundred and seventy-four, immediately after section two thousand six hundred and seventy-three, page twenty, as follows:

When notice is required to be served upon non-resident land owners under any of the provisions of this Act, such notice shall be deemed to have been served by publication, as authorized by the Board of Supervisors; and for all purposes, non-resident land owners, upon whom personal service cannot be made within the county, shall be treated as non-consenting land owners.

Amendment adopted.

Mr. Davis moved to strike out section two thousand six hundred and sixty-five.

So ordered.

Mr. Zuck moved to renumber the sections.

So ordered.

Mr. Brown offered the following amendment: Amend section two thousand six hundred and thirty-three. Add to section: "Provided, that any person may work out his poll tax at the per diem allowed in this section."

Mr. Hittell offered the following as a substitute: "Provided, that any person may work out his commutation fee, or road poll tax, by two days' work, under the direction of the Road Overseer."

Mr. Brown accepted Mr. Hittell's substitute.

Mr. Wendell moved to strike out of the amendment the word "two," and insert "one."

Upon the adoption of the amendment to the substitute, the ayes and noes were demanded by Messrs. Rowell, Ryan, and Enos, and the roll was called, with the following result:

AYES—Messrs. Burt, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, and Wendell—23.

NOES—Messrs. Brown, Carlock, Davis, Glascock, Harlan, Hill, Lampson, Langford, Moreland, Rowell, Sears, West, and Zuck—13.

Amendment adopted.

Upon the question of the adoption of the substitute as amended, the ayes and noes were demanded by Messrs. Glascock, Carlock, and Conger, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Chase, Cheney, Conger, Enos, George, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, Wendell, and West—25.

NOES—Messrs. Carlock, Davis, Glascock, Harlan, Hill, Lampson, Langford, Moreland, Rowell, Sears, and Zuck—11.

Substitute adopted.

Mr. Davis offered the following amendment: Amend section two thousand six hundred and forty-nine, by adding the following: After the word "Court," in line one, "and all expenses of viewing, laying out, or altering any road."

Adopted.

Bill ordered engrossed.

President pro tem. in the chair.

Special order for Tuesday, March first, eighteen hundred and eighty-one, at two o'clock P. M.: Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one

thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools.

Read second time.

Mr. Hill offered a substitute for subdivision third, of section one, as follows: On the order of the Board of Trustees, or Board of Education, to draw his requisition upon the County Auditor for all necessary warrants against the School Fund of any city, town, or district: the requisitions must be drawn in the order in which the orders therefor are filed in his office. The aggregate amount of the requisitions drawn against any fund in any one year shall not exceed ninety per centum of the estimated amount of the fund for the year, calculated upon the basis of the preceding year's apportionment of State and county moneys, added to the estimated product of any taxes levied by authority of the district, until the final apportionment of funds for the year has been made, and then must not exceed that apportionment and such district tax. Each requisition must state on its face the estimated amount of the fund upon which it is drawn for the year, and the aggregate amount of the requisition previously drawn against it. Each requisition must specify the purpose for which it is drawn. Upon receipt of such requisition the County Auditor shall draw his warrant upon the County Treasurer, specifying in each warrant the estimated amount of the fund upon which it was drawn for the year, the aggregate amount of the warrants previously drawn against it, and the purpose for which the money is required.

Upon which the ayes and noes were demanded by Messrs. Hill, Wendell, and Chase, and the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—26.

NOES—Messrs. Anderson, Dickinson, George, Neumann, and Rowell—5.

Adopted.

Mr. Wendell moved to amend by striking out sections three, four, seven, and fifteen of the bill.

Adopted.

Mr. Hill moved to amend by inserting after the word "no," in line three, section sixteen, printed bill, the words "requisition for a."

Adopted.

Also, strike out the word "warrant," in line five, section sixteen, printed bill, and insert the word "requisition."

Adopted.

Mr. Kane moved to amend section ten, line thirty-one, printed bill, by striking out all after the word "children" up to the word "the," in line thirty-two.

Lost.

Mr. Sears moved to amend by adding the following section as section thirty-two:

Sec. 32. Section eighteen hundred and thirty is hereby amended so as to read as follows: Section 1830. The Board of Trustees of any district may, when in their judgment it is advisable, call an election, and submit to the electors of the district the question whether a tax shall

be raised to furnish additional school facilities for the district, or to maintain any school in such district, or for building one or more school houses, or for any two or all of these purposes; *provided*, that where a tax has been collected for the purpose of building a school house, and the erection of said school house shall not have been commenced within one year from the time said tax was collected, the custodian of said money shall return the same to the parties from whom said tax was collected.

Adopted.

Mr. Davis moved to amend section one, subdivision five, by striking out the words "the Superintendent of Schools," and inserting the word "his."

Adopted.

Mr. Rowell moved to amend by striking out from line twenty-seven, section one thousand eight hundred and fifty-eight, printed bill, the words "having not less than thirty school census children."

Adopted.

Mr. Sears moved to make section thirty-two read section thirty-three.

Adopted.

Also, amend the title by adding after the figures one thousand eight hundred and fifty-seven the following: "one thousand eight hundred and thirty."

Adopted.

Mr. Hill moved that the Secretary renumber the sections.

Adopted.

Mr. Moreland moved to add to section one thousand eight hundred and fifty-eight the words "census children, when mentioned in this section, shall be construed to mean that between the ages of five and seventeen years of age."

Adopted.

Mr. Wendell moved to amend the title by striking out the figures one thousand five hundred and forty-six, one thousand five hundred and forty-eight, one thousand five hundred and sixty-four, and one thousand five hundred and twelve.

Adopted.

Mr. Davis moved the following substitute for subdivision three, section one: "On the order of the Board of Trustees, or Board of Education, to draw his requisition upon the County Auditor for all necessary expenses against the School Fund of any city, town, or district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn; but no requisition shall be drawn unless the money is in the fund to pay it, and no requisition shall be drawn upon the order of the Board of Trustees against the County Fund of any district except for teachers' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' salaries be drawn unless the order shall state the monthly salary of the teacher and name the month for which such salary is due. Upon receipt of such requisition the Auditor shall draw his warrant upon the County Treasurer in favor of the parties and for the amounts stated in such requisition."

Adopted.

Mr. Kane moved to strike out of section twenty, lines seventeen and eighteen, the words "unprofessional, or evident unfitness for teaching."

On a division of the vote, it was declared lost.

Bill ordered to a third reading.

Mr. Lampson moved to take up Senate Bill No. 356.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Traylor, and Langford.

The roll was called, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Enos, George, Gorman, Hill, Hittell, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West and Zuck—27.

NOES—Messrs. Burt, Conger, Glascock, Harlan, Hudson, Johnson, and Moreland—7.

So ordered.

Senate Bill No. 356—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Byrnes, Cheney, Conger, Enos, George, Hill, Hittell, Johnson, Johnston, Lampson, Langford, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Wendell, and Zuck—21.

NOES—Messrs. Burt, Chase, Glascock, Gorman, Harlan, Kelly, Moreland, Traylor, and West—9.

Title read and approved.

REPORT OF COMMITTEE.

By Mr. Pardee (by leave):

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 175—An Act to purchase land adjoining the Napa Insane Asylum—have had the same under consideration, and a majority recommend that the bill be referred to Committee on Public Buildings and Grounds.

PARDEE, Chairman.

Assembly Bill No. 175—As above, referred to Committee on Public Buildings and Grounds.

Mr. Ryan moved that the committee be instructed to report to-morrow.

So ordered.

Mr. Johnson moved to take up Senate Bill No. 234 for consideration on second reading.

So ordered.

Senate Bill No. 234—An Act to provide for payment of rents for a hall for lectures for Hastings' College of the Law.

Read second time.

Committee amendments adopted, and bill ordered engrossed.

Mr. Neumann moved to take up Senate Bill No. 105 for consideration on second reading.

So ordered.

Senate Bill No. 105—An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction.

Read second time.

Mr. Neumann moved that the substitute be accepted as an amendment to the original bill.

So ordered.

Mr. Dickinson moved to amend the title so as to read: "An Act to create an additional Police Judges' Court for the City and County of San Francisco, to define its powers and jurisdiction."

Amendment adopted.

Bill ordered engrossed.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, March 1, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 7 and 231, and that the same have this day been placed in the hands of the Governor, at three o'clock and thirty minutes p. m.

HUDSON, Chairman.

Mr. Sears moved that the resolution in reference to holding night sessions of the Senate, lay over until to-morrow.

So ordered.

Mr. Zuck moved that the Senate do now adjourn.

Lost.

Mr. Enos moved to take up Assembly messages.

So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, eighteen hundred and eighty one, passed Assembly Bill No. 377—An Act to authorize the State Board of Harbor Commissioners to adjust and pay the claims of Daniel McNiel.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 377—As above, read first time, and referred to Committee on Claims.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Assembly Bill No. 220—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

Also, Assembly Bill No. 226—An Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property.

Also, Assembly Bill No. 227—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, relating to judgments in Justices' Courts.

Also, adopted Senate Concurrent Resolution No. 32—Relative to protecting adopted citizens who are natives of Costa Rica.

Also, concurred in Senate amendments to Assembly Bill No. 484—An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture.

Also, concurred in Senate amendments to Assembly Bill No. 150—An Act to amend section six hundred and thirty-six of the Penal Code.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 225—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 226—As above, read first time and referred to Judiciary Committee.

Assembly Bill No. 227—As above, read first time and referred to Judiciary Committee.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-eighth, eighteen hundred and eighty-one, refused reading Senate Bill No. 27—An Act to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

FRANK J. HIGGINS, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin prior to the thirty-second fiscal year.

FRANK J. HIGGINS, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one of Article XIV of the Constitution, and prescribing penalties for the non-performance of such duties.

Also, concurred in Senate amendments to Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands.

FRANK J. HIGGINS, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-fifth, eighteen hundred and eighty-one, passed Assembly Bill No. 184—An Act to pay the holders of certain Indian war bonds out of any money appropriated by Congress for the suppression of Indian hostilities, now in the "War Bond Fund" in the State treasury, and not otherwise appropriated.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 184—As above, read first time.

Mr. Hittell moved to indefinitely postpone the bill.

Mr. Ryan moved to refer the bill to the Committee on Claims, and the ayes and noes being demanded, the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Chase, Cheney, Glasecock, Hudson, Johnson, Nelson, Pool, and Ryan—11.

NOES—Messrs. Burt, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Wendell, West, and Zuck—21.

Motion lost.

The question recurring upon the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Zuck, Sears, and Pardee, and the roll was called, with the following result:

AYES—Messrs. Chase, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—21.

NOES—Messrs. Anderson, Burt, Byrnes, Carlock, Cheney, Glasecock, Johnson, Johnston, Lampson, Nelson, and Pool—11.

Motion carried.

Mr. Ryan gave notice of motion to reconsider the vote by which the bill was indefinitely postponed.

ADJOURNMENT.

At five o'clock and forty-five minutes P. M., on motion of Mr. Traylor, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, March 2, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

⁴ Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, amended, and approved.

Mr. Satterwhite asked leave to introduce a bill.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Enos, and Carlock, and the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pool, Ryan, Satterwhite, and Watson—16.

NOES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Pardee, Rowell, Sears, Traylor, Wendell, West, and Zuck—22.

Lost.

Mr. Traylor moved to take up the Third Reading File.

So ordered.

THIRD READING OF BILLS.

Assembly Bill No. 176—An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on and the action of interpleader.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—33.

NOES—Mr. Hill—1.

Title read and approved.

Senate Bill No. 183—An Act to correct the spelling of the names of two of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—31.

NOES—None.

Title read and approved.

Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, and Wendell—27.

NOES—Messrs. Enos and Nelson—2.

Title read and approved.

Assembly Bill No. 67—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—31.

NOES—Messrs. Chase, Kane, Langford, and Rowell—4.

Title read and approved.

Assembly Bill No. 106—An Act to repeal an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

Title read and approved.

Assembly Bill No. 267—An Act to amend section one thousand three hundred and three of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—33.

NOES—Mr. Rowell—1.

Title read and approved.

Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen, of title three, chapter one, articles three and four, and section two hundred and forty-one, of article —, of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—33.

NOES—None.

Title read and approved.

Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to the election and terms of office of county, city and county, and township officers, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code.

Read third time.

Mr. Kane moved to recommit the bill to Committee on Elections, with instructions to amend by adding the following provision to section one: "Provided, this section shall not be construed to amend or alter the Consolidation Act of the City and County of San Francisco, or any special Act in force in said city and county, in relation to election of city and county officers."

Upon which motion the ayes and noes were demanded by Messrs. Enos, Glascock, and Gorman, and the roll was called, with the following result:

AYES—Messrs. Anderson, Cheney, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Kane, Kelly, Moreland, and Wendell—12.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, George, Hill, Hudson, Johnson, Johnston, Langford, Nelson, Neumann, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, West, and Zuck—25.

Motion lost.

Mr. Gorman moved to recommit the bill, with instructions to strike out the words "city and county," and report the bill immediately.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Kelly, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Cheney, Enos, Glascock, Gorman, Harlan, Hittell, Kane, Kelly, Moreland, Nelson, Nye, Pardee, and Wendell—14.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, George, Hill, Hudson, Johnson, Johnston, Langford, Neumann, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—24.

Motion lost.

Mr. Gorman moved to recommit the bill to the committee, with instructions to amend section four, so as to read as follows: "Section 4. This Act shall take effect on the first Monday after the first day of January, eighteen hundred and eighty-two."

Upon which motion the ayes and noes were demanded by Messrs. Enos, Kelly, and Gorman, and the roll was called, with the following result:

AYES—Messrs. Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Watson, Wendell, and West—15.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Hill, Hudson, Johnson, Johnston, Langford, Neumann, Pool, Ryan, Satterwhite, Sears, Traylor, and Zuck—22.

Motion lost.

The question recurred on the passage of the bill.

The ayes and noes were called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Gorman, Hill, Hudson, Johnson, Johnston, Langford, Nelson, Neumann, Pardee, Pool, Satterwhite, Sears, Watson, West, and Zuck—25.

NOES—Messrs. Anderson, Dickinson, Enos, Glascock, Harlan, Hittell, Kane, Kelly, Moreland, Nye, Rowell, Ryan, Traylor, and Wendell—14.

Bill passed.

Title read and approved.

Mr. Gorman gave notice of motion to reconsider.

Mr. Moreland moved that the Senate do now take up Assembly messages.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Hill, and Burt.

The roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Davis, Glascock, Harlan, Hill, Hittell, Langford, Moreland, Nelson, Nye, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—19.

NOES—Messrs. Baker, Brown, Byrnes, Cheney, Conger, Dickinson, Enos, George, Hudson, Johnson, Johnston, Kane, Kelly, Neumann, Pool, Ryan, Traylor, and Watson—18.

Carried.

Mr. Johnson moved for a new roll call.

Mr. Wendell arose to a point of order, that the result of the vote had been announced.

Mr. Sears moved to reconsider the vote just had.

Upon the motion to reconsider, the ayes and noes were demanded by Messrs. Johnson, Enos, and Hudson.

Mr. West moved that the time for recess be extended during consideration of the motion to reconsider.

A division of the vote being demanded, the motion was lost by the following vote: Ayes, 17; noes, 19.

RECESS.

Pending consideration of the motion to reconsider, the hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Absent—Messrs. Baker and Lampson.

Quorum present.

Mr. Moreland moved to take up Assembly messages.

Mr. Johnson moved a call of the Senate.

Upon which motion the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Johnson, Kane, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, and Watson—20.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Glascock, Harlan, Hill, Hittell, Hudson, Langford, Moreland, Nye, Rowell, Sears, Wendell, West, and Zuck—17.

Motion carried.

The roll was thereupon called, and the following Senators answered to their names:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Absent—Messrs. Baker and Lampson

Mr. Johnson moved that the Senate do now adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Wendell, and Nelson, and the roll was called, with the following result:

AYES—Messrs. Gorman, Johnson, Kelly, Nelson, Watson, and Zuck—6.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, and West—31.

Motion lost.

Mr. Johnson moved to dispense with further proceedings under the call.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Wendell, and Ryan, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Chase, Conger, Harlan, Hill, Hittell, Hudson, Johnson, Langford, Neumann, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—20.

NOES—Messrs. Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Rowell, and Zuck—17.

Motion carried.

The question recurred upon the motion to take up Assembly messages.

The ayes and noes were demanded by Messrs. Johnson, Zuck, and Wendell, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Langford, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—19.

NOES—Messrs. Brown, Byrnes, Cheney, Conger, Dickinson, Enos, George, Hudson, Johnston, Kane, Kelly, Nelson, Neumann, Pool, Ryan, Traylor, and Watson—18.

Motion carried.

ASSEMBLY MESSAGES.

The following messages from the Assembly were read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Substitute for Senate Bill No. 197—An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section, to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and forty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue.

FRANK J. HIGGINS, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March first, eighteen hundred and eighty-one, passed the following bills:

Assembly Bill No. 483—An Act to facilitate the equalization of assessments in reclamation districts.

Also, Assembly Bill No. 475—An Act to add two new sections, to be numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, to an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, which two new sections relate to the subject of providing revenue for the support of the government of the State and its political divisions, and especially in relation to the assessment of railroads by the State Board of Equalization.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 483—As above, read first time, and referred to Committee on Swamp and Overflowed Lands.

Assembly Bill No. 475—As above, read first time.

Mr. Wendell moved that the provisions of article four, section fifteen, of the Constitution be dispensed with, on the ground of urgency, that the bill be taken up for consideration on its second and third readings.

Mr. Johnson moved to refer to Finance Committee, with instructions to report the bill to-morrow morning.

Upon the motion of Mr. Wendell, the ayes and noes were demanded by Messrs. Enos, Glascock, and Wendell, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Davis, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnston, Langford, Moreland, Nye, Rowell, Sears, Wendell, West, and Zuck—20.

NOES—Messrs. Brown, Byrnes, Cheney, Conger, Dickinson, George, Gorman, Johnson, Kane, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, and Watson—18.

Motion lost, not receiving a two-thirds vote:

President pro tem. in the chair.

The question recurred upon the motion to refer to the Finance Committee, with instructions to report the bill to-morrow morning.

So ordered.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 431—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York in eighteen hundred and eighty-three.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 431—As above, read first time.

Mr. Johnson moved to refer to Finance Committee, with instructions to report to-morrow morning.

So ordered.

REPORTS OF COMMITTEES.

By Mr. Traylor (by leave):

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: Your Committee on Claims, to whom was referred the following—"An Act to authorize the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil"—have had the same under consideration, report back, and the undersigned majority recommend its passage.

J. S. ENOS,
D. M. POOL,
A. B. CARLOCK,
J. P. WEST.

Also, Senate Bill No. 105—An Act to create an additional Police Judges' Court for the City and County of San Francisco, to define its powers and jurisdiction.

GEORGE, Chairman.

By Mr. Zuck :

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT : The Committee on Contingent Expenses and Mileage, to whom was referred the following :

Resolved, That the sum of sixty dollars be and the same is hereby appropriated out of the fund for the contingent expenses of the Senate, to be paid to J. F. Carter for services rendered in lighting the gas in the Senate Chamber during the present session of the Senate;

Have had the same under consideration, report back, and the undersigned recommend its adoption.

A. B. CARLOCK,
JAMES D. BYRNES,
P. K. NELSON.

And the undersigned recommend it be not adopted.

W. W. MORELAND,
JAMES C. ZUCK.

Said committee have also had under consideration the following :

Resolved, That the Postmistress of the Senate be and she is hereby directed and authorized to remain at Sacramento for one week after the adjournment of the Legislature, for the purpose of receiving all of the mail matter of the Senators, and send the same to their address. Said Postmistress to receive thirty dollars for such services, payable out of the appropriation for the contingent expenses of the Senate;

Report back, and the undersigned recommend that it be not adopted.

JAMES C. ZUCK,
W. W. MORELAND,
A. B. CARLOCK.

And the undersigned recommend that it be adopted.

JAMES D. BYRNES,
P. K. NELSON.

Said committee recommend the adoption of the following :

Resolved, That A. Wasson be and is hereby allowed the sum of thirty-five dollars and sixty cents, payable out of the appropriation for the contingent expenses of the Senate, in full for the following demands :

To 1280 pounds ice used by Senate	\$25 60
To washing towels for the term	10 00
	<hr/> \$35 60

Also, recommend the adoption of the following :

Resolved, That H. L. Cutter, Clerk of the Committee on Public Buildings, be and is hereby allowed the sum of sixty-six dollars, mileage traveled by him on business of said committee, payable out of the appropriation for the contingent expenses of the Senate.

ZUCK, Chairman.

Mr. Johnson moved that the report be made the special order for Friday morning next, after reading of the Journal.

So ordered.

By Mr. Baker :

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT : A majority of the Committee on Public Buildings, to whom was referred Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BAKER, Chairman, for the majority.

Also :

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT : A minority of the Committee on Public Buildings, to whom was referred Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa—have had the same under consideration, and recommend its passage with the following amendment, viz.: By striking out, in section two, the words "twelve thousand," and inserting "six thousand."

W. W. TRAYLOR.

Mr. Johnson moved that the above bill be made the special order for to-morrow, at two o'clock P. M.

So ordered.

By Mr. Watson (by leave):

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: Your committee having had Senate Bill No. 233 under consideration, report the same back without recommendation.

WATSON, Chairman.

Also, a report from Committee on State Prisons, which, on motion of Mr. Watson, was ordered printed.

THIRD READING OF BILLS.

Assembly Bill No. 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions.

Read third time, and passed by the following vote:

AYES—Messrs. Burt, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Johnston, Langford, Neumann, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and Zuck—24.

NOES—Mr. Chase—1.

Title read and approved.

Assembly Bill No. 177—An Act to amend section four thousand and forty-eight of the Political Code, in relation to funding and refunding county indebtedness.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Langford, Moreland, Neumann, Pardee, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—25.

NOES—Mr. George—1.

Title read and approved.

Assembly Bill No. 178—An Act to amend section four thousand four hundred and forty-five of the Political Code, in relation to the funding and refunding of city indebtedness.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Moreland, Nelson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Watson, Wendell, West, and Zuck—25.

NOES—Mr. George—1.

Title read and approved.

Assembly Bill No. 82—An Act making appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due to him for the twenty-ninth and thirtieth fiscal years.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Cheney, Conger, Dickinson, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Langford, Moreland, Nelson, Neumann, Pool, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Chase, Hill, Kane, Pardee, and Sears—5.

Title read and approved.

Assembly Bill No. 135—An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges, during the thirty-first fiscal year.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Hill, Hittell, Johnson, Johnston, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—28.
 NOES—None.

Title read and approved.

Senate Bill No. 40—An Act to establish a uniform system of county governments.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Chase, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Nye, Pardee, Pool, Rowell, Sears, Watson, Wendell, West, and Zuck—25.
 NOES—Messrs. Burt, Cheney, Johnson, Nelson, Ryan, and Traylor—6.

Title read and approved.

REPORT OF COMMITTEE.

By Mr. Hudson :

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 272, and that the same has been placed in the hands of the Governor, at three o'clock and thirty minutes P. M.

HUDSON, Chairman.

Mr. Neumann moved to take up Senate Bill No. 105 for consideration on third reading.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Kelly, and Nelson, and the roll was called, with the following vote :

AYES—Messrs. Burt, Brown, Byrnes, Cheney, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Langford, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—26.

NOES—Messrs. Anderson, Chase, Conger, Davis, George, Johnson, Kelly, Moreland, and Rowell—9.

Motion carried.

Substitute for Senate Bill No. 105—An Act to create an additional Police Judge's Court for the City and County of San Francisco, to define its powers and jurisdiction.

Read third time.

Mr. Neumann asked leave for the Secretary to strike out of the bill the words "for that purpose," where a repetition occurs.

So ordered.

Upon the passage of the bill the roll was called, with the following result :

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Langford, Neumann, Pardee, Pool, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—29.

NOES—Messrs. Burt, Gorman, Kelly, Moreland, Nelson, and Rowell—6.

Bill passed.

Title read and approved.

REPORTS OF COMMITTEES.

By Mr. Wendell (by leave):

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 227—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, relating to judgments in Justices' Courts—have had the same under consideration, and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 226—An Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property, with amendments—and recommend its passage as amended.

Also, Assembly Bill No. 225—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence, on conviction of a misdemeanor—and recommend its passage.

Also, Assembly Bill No. 7—An Act to prevent the use of Chinese labor in the performance of contracts where in this State, any county, city and county, municipality, or other political subdivision of this State, is a party—and recommend its passage.

Also, Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties, and recommend that it do not pass.

Also, Assembly Bill No. 156—An Act to amend sections eight hundred and sixty-eight and nine hundred and seventy-four of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to proceedings had in Justices' Courts, with amendments—and recommend its passage as amended.

WENDELL, Chairman.

By Mr. Hittell (by leave):

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Assembly Bill No. 225—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor—respectfully dissents from the opinion of the majority of the committee in respect to said bill, and recommends that the same do not pass. It provides for the cutting of the hair of any person convicted of a misdemeanor and sentenced to imprisonment for a term of more than five days, on the recommendation of a Board of Health, a Board of Supervisors, or a County Physician. Under it a merchant, convicted of a mere misdemeanor under a town ordinance, such as allowing goods to be stored upon a sidewalk, and sentenced to a term of more than five days, if he did not pay his fine, might have his hair cropped. So, also, any woman, unfortunate enough to be convicted of a misdemeanor and imprisoned, might be shorn of her locks. While it might in some cases be well enough to shear prisoners, the provisions of the bill, as drawn, are, in the opinion of the undersigned, on account of the want of proper exceptions and limitations, absurd. In so far as the bill is directed against the Chinese, it is objectionable and improper, for the reasons stated by Mr. Justice Field in his decision on the so called "Queue Ordinance."

THEODORE H. HITTELL.

Mr. Johnston gave notice of a motion to reconsider the vote by which Assembly Bill No. 108 was passed.

Mr. Brown moved to adjourn.

Mr. Ryan moved to take a recess until seven o'clock and thirty minutes P. M.

Lost.

The question recurred upon the motion to adjourn.

Lost.

Mr. Brown asked leave of absence.

Granted.

Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and fourteen, one

thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-four, one thousand eight hundred and fifty-seven, one thousand eight hundred and thirty, and one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to public schools, and to add a new section thereto, to be known as section one thousand seven hundred and ninety-three, relating to public schools.

Read third time.

Mr. Wendell moved to recommit the bill to the committee, with instructions to amend by striking out section four of printed bill.

Mr. West moved to amend by striking out the proviso.

Lost.

The question recurring upon the motion of Mr. Wendell, it was so ordered.

On motion of Mr. Davis, the committee were further specially instructed, as follows:

To amend subdivision four, section one, by striking out the words "warrant" and "warrants," and substituting the words "requisition" and "requisitions," where they occur.

Also, to amend section thirty-one, by striking out the words "between five and seventeen years of age," wherever they occur, except in the last paragraph.

Mr. Davis moved to make the bill the special order for to-morrow, immediately after reading of the Journal.

So ordered.

Mr. Johnson moved to take up Senate Bill No. 234, for consideration on third reading.

A division being demanded, the motion prevailed by the following vote: Ayes, 26; noes, 5.

Senate Bill No. 234—An Act to provide for payment of rents for a hall for the use of Hastings College of the Law.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Hill, Hittell, Johnson, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Watson, and Wendell—23.

NOES—Messrs. Carlock, Davis, George, Glascock, Harlan, Hudson, Johnston, Moreland, Taylor, and West—10.

Title read and approved.

Mr. Burt gave notice of motion to reconsider.

Mr. Langford moved to take up Assembly Bill No. 103 on its second reading.

So ordered.

Assembly Bill No. 103—An Act for the relief of purchasers of State lands, and to regulate the foreclosing of titles to State lands for the non-payment of interest.

Read second time, and committee amendments adopted.

Upon the question, Shall the bill be read a third time? the ayes and noes were demanded by Messrs. Neumann, Dickinson, and Nye, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, and Wendell—28.

NOES—Messrs. Carlock, Glasecock, Gorman, Kane, Moreland, Taylor, and West—7.

Bill ordered to a third reading.

Mr. Sears moved to take up Assembly Bill No. 56 for consideration on its second reading.

Lost.

Mr. Davis moved to adjourn.

A division of the vote being demanded, the motion was lost.

Mr. Glasecock moved to take up Assembly messages.

So ordered.

Mr. Pardee asked leave of absence for the Finance Committee.

Refused.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, eighteen hundred and eighty-one, passed the following bills: Senate Bill No. 225—An Act to provide for an additional Judge of the Superior Court of the County of Alameda.

Also, Senate Bill No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition.

Also, Senate Bill No. 11—An Act to appropriate moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State in preparing bills adapting the Codes to the Constitution.

Also, concurred in Senate amendments to Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment.

FRANK J. HIGGINS, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 139—An Act to confer powers upon the Supervisors, or other governing bodies of counties and cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed.

Also, Senate Bill No. 32—An Act concerning the medical department of the University of California.

Also, Senate Bill No. 262—An Act to authorize the Boards of Supervisors of the several counties in the State to grant franchises and privileges to corporations, associations, or individuals.

Also, on March first, eighteen hundred and eighty-one, amended, and on March second passed as amended, Substitute for Senate Bill No. 217—An Act to provide for bridges across navigable streams.

Also, concurred in Senate amendments to Assembly Bill No. 106—An Act to repeal an Act entitled an Act to confer certain powers upon the Board of Supervisors of the County of San Mateo, approved March twenty-ninth, eighteen hundred and seventy-eight.

Also, concurred in Senate amendments to Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of title three, chapter one, articles three and four, and section two hundred and forty-one, of article —, of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State.

FRANK J. HIGGINS, Assistant Clerk.

The question being upon concurrence in Assembly amendments to title to Substitute for Senate Bill No. 217, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Dickinson, Glasecock, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Langford, Neumann, Nye, Pardee, Pool, Rowell, and Sears—21.

NOES—Messrs. Moreland and Watson—2.

Amendment concurred in.

The question being upon concurrence in Assembly amendment to section eight of Substitute for Senate Bill No. 217, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, and West—26.

NOES—Messrs. Watson and Wendell—2.

Amendment concurred in.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March first, eighteen hundred and eighty-one, passed Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State.

FRANK. J. HIGGINS, Assistant Clerk.

Assembly Bill No. 415—As above, read first time, and referred to Committee on Agriculture, to report to-morrow.

Mr. Neumann moved to take up Assembly Bill No. 180 for its consideration on second reading.

So ordered.

Assembly Bill No. 180—An Act to amend section one hundred and seventy-one of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to Courts of justice, and various officers connected therewith, and to prohibit Justices, Judges of Courts of record, Justices of the Peace, and County Clerks, from practicing law, or from acting as attorney or agents in certain cases.

Read second time, and ordered to third reading.

Mr. Davis moved to adjourn.

So ordered.

ADJOURNMENT.

At six o'clock P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Thursday, March 3, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Tuesday read, and amended as follows: On page twelve, of printed Journal, in minority report of Mr. Hittell, insert

after the words "on account of" and before the word "proper" the words "the want of." Also, on page thirteen, after the word "lost" where it first occurs, insert: "The question recurring upon the motion of Mr. Wendell, it was so ordered. Also, on motion of Mr. Davis the committee were further specially instructed as follows: To amend subdivision four, section one, by striking out the words 'warrant' and 'warrants,' and substituting the words 'requisition' and 'requisitions' where they occur. Also, to amend section thirty-one, by striking out the words 'between the ages of five and seventeen years of age' wherever they occur, except in the last paragraph." On page seven, printed Journal, second line, strike out the words "amend and," Also, on third line, strike out "which" and insert "the" and after the word "motion" insert the words "of Mr. Wendell." Also, on same page, line thirteen, strike out the words "amend the bill" and insert in lieu thereof the words "report the bill to-morrow morning." Also, on page nine, after the report of Mr. Watson, insert: "Also, a report of Committee on State Prisons, which, on motion of Mr. Watson, was ordered printed."

Journal as amended approved.

The President directed the Secretary to read a communication from the Board of Viticultural Commissioners, tendering certain plates to the Senators.

Mr. Anderson moved that the plates be accepted, and that the thanks of the Senate be tendered the Commissioners.

So ordered.

Mr. Johnson now moved, pursuant to previous notice given, to reconsider the vote by which Senate Bill No. 234 was passed.

Mr. Neumann moved to lay the motion on the table.

Carried.

Mr. Satterwhite moved, pursuant to previous notice given, to reconsider the vote by which Assembly Bill No. 152 was passed.

Mr. Johnson moved to lay the motion on the table.

Carried.

REPORT OF COMMITTEE.

By Mr. Davis:

SENATE CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 368, with special instructions, report the same back with amendments as instructed, as follows:

First—Amend section one, subdivision fourth, by striking out the words "warrant" and "warrants," wherever they occur, and substituting in lieu thereof the words "requisition" and "requisitions."

Second—Amend section thirteen by adding thereto the following: The words census children, where mentioned in this section, shall be construed to mean those children between the ages of five and seventeen years of age.

Third—Amend bill by striking out section four.

Fourth—Amend title by striking out the figures "one thousand five hundred and fifty-two."

Fifth—Amend section thirty-one by striking out the words "between the ages of five and seventeen years of age," wherever they occur in said section, except in the last paragraph.

Note—All references are to the original bill.

DAVIS, Chairman.

Mr. Johnson moved to take up Assembly Bill No. 72 for consideration on second reading.

Upon which motion the ayes and noes were demanded by Messrs. Hill, Gorman, and Johnson, and the roll was called, with the following result:

AYES—MESSRS. Brown, Cheney, Enos, Johnson, Kane, Kelly, Moreland, Nelson, Neumann, Pool, and Ryan—11.

NOES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Pardee, Rowell, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—27.

Motion lost.

REPORT OF COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 483—An Act to facilitate the equalization of assessments in reclamation districts—have had the same under consideration, and report the same back and recommend that it do pass.

JOHNSON, Chairman.

Mr. Davis moved to take up Assembly Bill No. 368—The special order for this hour.

So ordered.

Report of committee adopted.

The question recurring upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Wendell—34.

NOES—Mr. Burt—1.

Bill passed.

Title read and approved.

Mr. Johnston moved to take up Assembly Bill No. 483 for consideration on second reading.

So ordered.

Bill read second time, and ordered to a third reading.

On motion of Mr. Johnson, the bill was made the special order for to-morrow, immediately after reading the Journal.

Mr. Dickinson asked leave to have his vote recorded in the negative on the motion had to take up Assembly Bill No. 72.

So ordered.

REPORTS OF COMMITTEES.

By Mr. Pardee:

SENATE CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: Your Committee on Finance report Assembly Bill No. 475, with the following amendment, and recommend its passage as amended.

E. H. PARDEE,
E. A. DAVIS,
A. B. CARLOCK,
C. C. CONGER,
W. W. TRAYLOR,
GROVE L. JOHNSON,
W. H. BROWN,
P. H. RYAN.

Add to section one: Any person dissatisfied with an assessment made by said Board of Equalization against his or its property may, within five days after such assessment is made and entered of record on the books of said Board, by written petition, apply to said Board to have the same corrected in any particular. Said petition must state the grounds of objection to such assessment, and must be filed with the Clerk of the Board. The Board must fix a time for hearing said petition, which must not be less than five nor more than ten days from the time the same is filed, and must, upon such hearing, receive such proofs as may be offered by the petitioner, or by the Attorney-General, or any other person appearing against such petition, and such other proofs as in the judgment of the Board bear upon the question at issue. By an order of the Board, or upon the demand of the petitioner, the proofs shall be reduced to writing by a

phonographic reporter. If the Board do not order the proofs to be reduced to writing by such reporter, but the same is done upon the demand of the petitioner, the petitioner must pay the expense thereof. After hearing such proof the Board shall, within ten days, determine in writing upon the matter involved in the petitions and proofs, and may after in conformity with such determination the assessment complained of, and may, within ten days after such payment, bring an action in the Superior Court of the county in which the tax, or any part thereof, has been paid, against the Board of Equalization, and in the complaint may allege any fact averred in his petition filed with said Board, showing the illegality of such tax, in whole or in part, or that the property, in whole or in part, was assessed for more than its actual value. A copy of the complaint must, within thirty days after it has been filed, be served upon the Chairman or Clerk of said Board, and said Board shall have thirty days in which to answer or demur to the same. At the time the Board answers or demurs, it may demand that the suit be tried in the Superior Court of Sacramento. The provisions of the Code of Civil Procedure relating to proceedings, proofs, trials, and appeals shall be applicable to the proceedings herein provided for; and the testimony taken before the Board of Equalization may be read in evidence; and on such proceeding the Court shall have power to determine the matters involved in the issue, and in making such determination may ascertain whether the property was taxed or assessed in proportion to its value, and if the determination is in favor of the petitioner, as to the legality of the tax, in whole or in part, or that the property was taxed, in whole or in part, in excess of its actual value, it shall, by its judgment, direct the return of the tax paid, or of such part thereof as may have been illegally exacted, or exacted in excess of the actual value of the property. Upon presentation of a certified copy of such final judgment to the Controller, he shall draw his warrant upon the State Treasurer for the amount of such judgment, and the Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated. At the next settlement thereafter made by the Controller with the County Treasurer of any county that received any portion of said illegal tax, he shall require the Treasurer thereof to pay such portion into the State treasury, to reimburse the State for the advance made on said judgment. The Board of Equalization may direct the District Attorney of any or every county interested and the Attorney-general to defend, for such Board, any proceeding commenced under the provisions of this section.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 431—report the same back, and recommend that it do pass.

PARDEE, Chairman.

Mr. Wendell moved to take up Assembly Bill No. 475 for consideration on second reading.

So ordered.

Assembly Bill No. 475—An Act to add two new sections, to be numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, to an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, which two new sections relate to the subject of providing revenue for the support of the government of the State and its political divisions, and especially in relation to the assessment of railroads by the State Board of Equalization.

Mr. Johnson moved a call of the Senate.

Mr. Rowell moved that Senator Baker be excused from attendance.

So ordered.

The question recurred on the motion for a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hutell, Hudson, Johnson, Johnston, Kane, Kelly, Lampton, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Absent and excused.—Mr. Baker.

The question recurred upon the adoption of the committee amen

ment, upon which the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Sears, Traylor, and Watson—21.

NOES—Messrs. Burt, Chase, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Lampson, Langford, Moreland, Nye, Rowell, Satterwhite, Wendell, West, and Zuck—18.

Amendment adopted.

Mr. Neumann moved to amend the amendment by striking out from line two, page three, of amendment, the word "may," and insert "who shall."

Adopted.

Mr. Davis moved the time of recess be extended during the consideration of the pending bill.

A division being demanded, the motion prevailed by the following vote: Ayes, 25; noes, 13.

Mr. Wendell moved the bill be indefinitely postponed.

Upon which motion the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Burt, Chase, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Lampson, Moreland, Rowell, Satterwhite, Wendell, West, and Zuck—16.

NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Ryan, Sears, Traylor, and Watson—22.

Motion lost.

Mr. Davis moved that article four, section fifteen, of the Constitution, relating to the reading of bills, be dispensed with on the ground of urgency, and that the bill be read a third time.

Upon which motion the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Cheney, Conger, Davis, Dickinson, George, Johnson, Kane, Kelly, Langford, Moreland, Neumann, Pool, Ryan, and Watson—16.

NOES—Messrs. Burt, Brown, Carlock, Chase, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Lampson, Nelson, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—22.

Motion lost.

Mr. Johnson moved that the bill be made the special order for to-morrow morning, immediately after reading of the Journal.

Upon which motion the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Cheney, Conger, Davis, Dickinson, George, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Sears, Traylor, and Watson—20.

NOES—Messrs. Burt, Carlock, Chase, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Lampson, Langford, Moreland, Nye, Rowell, Satterwhite, Wendell, West, and Zuck—19.

Motion carried.

RECESS.

At twelve o'clock and thirty-five minutes p. m. the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Satterwhite moved to take up messages from the Governor.

Mr. Traylor moved to lay the motion on the table.

Upon the motion to lay on the table, the ayes and noes were demanded by Messrs. Ryan, Enos, and Satterwhite.

The roll was called, with the following result:

AYES—Messrs. Chase, Cheney, George, Hittell, Johnson, Lampson, Traylor, and West—8.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hudson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, and Zuck—29.

Motion lost.

Upon the motion to take up messages from the Governor, the ayes and noes were demanded by Messrs. Enos, Kelly, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnson, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—32.

NOES—Messrs. Johnson and Pardee—2.

Motion carried.

MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 2, 1881. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese.

Also, Senate Bill No. 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin, prior to the thirty-second fiscal year.

GEORGE C. PERKINS, Governor.

Also:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, February 26, 1881. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Also, Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation.

Also, Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment of the crime of battery.

GEORGE C. PERKINS, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 3, 1881. }

To the Legislature of the State of California:

Assembly Concurrent Resolution No. 25, passed by your honorable body, officially brings to my notice your intention to adjourn on the fourth instant.

I deem it my duty to call your attention to the fact that no Act for the appropriation of money to pay the necessary expenses of the State Government, for the ensuing two fiscal years, has been passed.

The Constitution states "no money shall be drawn from the treasury but in consequence of appropriations made by law." The passage of this Act is of vital importance to the welfare and best interests of the State. It has no political significance; it is an absolute and imperative necessity, the neglect of which must result disastrously. Either one of two results must follow this failure, viz.: to open, at the expiration of the present fiscal year, our prisons and asylums, close our Courts, and generally stop the machinery of government; or, you compel the Executive to convene your body in extra session, at a great expense to the taxpayers, and in all probability at an inconvenient time to yourselves. The merits and necessities of this measure are contained within itself, and cannot, under any circumstances, conflict with any other public or private measure, whether political or otherwise.

The amount in the General Fund February twenty-eighth, was six hundred and eighteen thousand four hundred and seventy-nine dollars and thirty two cents. Bills appropriating money payable out of such fund, passed at this session, and approved, amount to one hundred and seven thousand and eighteen dollars. This amount, with others appropriated by Acts now on their final passage in your body, will aggregate the sum of four hundred thousand dollars, thus leaving a balance of only two hundred thousand dollars to carry on the government to the end of this fiscal year, an amount inadequate to the purpose.

In connection with the passage of an appropriation bill the consideration of a tax levy Act is not the least important, as without it the State Board of Equalization would be powerless to fix the rate of taxation for State purposes.

Fortunately, the Constitution permits the dispensing of the several readings in cases of urgency, and it will certainly not be denied that the passage of the measures alluded to are emphatically urgent. There is no law or prohibition against the continuous extension of the Legislature, and but a few days devoted exclusively to the passage of Acts of great public importance would materially aid the interests of the State. I bear full testimony to your fidelity in the discharge of your duties: they have been onerous and burdensome. The great responsibilities resting upon you as legislators have been duly considered, and hasty action has not characterized your labors. Hence I feel, in communicating with you on the necessity of not postponing until you have passed an appropriation bill, and its adjunct, a tax levy Act, that I am acting in accord with your own patriotic motives and unselfish desire to promote the best interests of the State.

Respectfully,

GEORGE C. PERKINS, Governor.

Mr. Satterwhite moved that the message of the Governor, relative to adjournment of the Legislature, be referred to the Finance Committee.

So ordered.

SPECIAL ORDER.

Special order for Thursday, March third, at two o'clock p. m.: Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

Read second time, and ordered to third reading.

Mr. Johnson moved that the bill be made the special order for to-morrow, immediately after reading the Journal.

So ordered.

Mr. Sears moved to take up Assembly messages.

Lost.

REPORT OF COMMITTEE.

By Mr. West (by leave):

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State—have had the same under consideration, and report the same back and recommend its passage.

WEST, Chairman.

Mr. Johnston moved to take up Assembly Bill No. 415, just reported, for consideration.

So ordered.

Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State.

Read second time, and ordered to a third reading.

Mr. Zuck moved that section fifteen, of article four, of the Constitution, in relation to the reading of bills on three several days, be dispensed with on the ground of urgency, and that the bill be now read a third time.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Cheney, Dickinson, Harlan, Hudson, Johnson, Johnston, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, West, and Zuck—17.

NOES—Messrs. Buft, Brown, Chase, Conger, George, Glascock, Gorman, Hittell, Kane, Kelly, Langford, Moreland, Ryan, and Wendell—14.

Motion lost.

Mr. Kane moved to take up Senate Bill No. 186 for consideration.
Lost.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 137, 197, and 225, and that the same have this day been placed in the hands of the Governor, at two o'clock P. M.

HUDSON, Chairman.

Mr. Sears moved to take up Assembly messages.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, George, Glascock, Gorman, Harlan, Hudson, Kane, Nye, Sears, Watson, and West—13.

NOES—Messrs. Byrnes, Conger, Dickinson, Enos, Hill, Hittell, Johnson, Johnston, Kelly, Nelson, Neumann, Pardee, Rowell, Ryan, Satterwhite, and Wendell—16.

Motion lost.

Mr. Ryan moved to take up Assembly Bill No. 59.
So ordered.

Assembly Bill No. 59—An Act to amend an Act entitled an Act for the protection of settlers on public lands claimed by the State, approved March tenth, eighteen hundred and seventy-four.

Read second time, and ordered to third reading.

Mr. Johnson moved to take up Assembly Bill No. 249.
So ordered.

Assembly Bill No. 249—An Act to amend section four hundred and sixteen of the Political Code, relating to fees for services performed in the office of the Secretary of State.

Read second time, and ordered to third reading.

Mr. Watson moved to take up Assembly Concurrent Resolution No. 11.

So ordered.

Assembly Concurrent Resolution No. 11—Relative to the grant of the lands of the sixteenth and thirty-sixth sections made to the State of California.

Read second time, and ordered to third reading.

Mr. Zuck moved to take up the Third Reading File.
So ordered.

THIRD READING OF BILLS.

Substitute for Senate Bills Nos. 94, 146, and 147—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand

six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Mr. Neumann moved to pass the bill on file.

Lost.

The Secretary was instructed to correct clerical errors in the bill.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—42.

NOES—None.

Title read and approved.

Assembly Bill No. 103—An Act for the relief of purchasers of State lands, and to regulate the foreclosing of titles to State lands for the non-payment of interest.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Byrnes, Cheney, Conger, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lamson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Burt, Brown, Chase, Glascock, and Kane—5.

Title read and approved.

Assembly Bill No. 180—An Act to amend section one hundred and seventy-one of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and

seventy-two, relating to Courts of justice, and various officers connected therewith, and to prohibit Justices, Judges of Courts of record, Justices of the Peace, and County Clerks, from practicing law, or from acting as attorney or agents in certain cases.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Brown, Byrnes, Chase, Conger, Davis, Dickinson, Eros, Glasecock, Harlan, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, and Wendell—25.

NOES—Messrs. Burt, Cheney, George, Gorman, Hill, Kane, Nye, Rowell, and Zuck—9.

Title read and approved.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March second, eighteen hundred and eighty one, passed Assembly Bill No. 224—An Act regulating the taking up of stray animals and posting the same.

Also, amended and passed as amended, Senate Joint Resolution No. 3—Relative to granting charter to Nicaragua Inter-Oceanic Canal Company.

Also, adopted Senate Concurrent Resolution No. 10—Relative to transfer of mineralogical specimens to the Mining Bureau.

Also, adopted Assembly Concurrent Resolution No. 15—Relative to the destruction of forests in this State.

I am also directed to request your honorable body to return to the Assembly Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one, of article fourteen, of the Constitution, and prescribing penalties for the non-performance of such duties.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 224—As above, read first time.

Mr. Sears moved that section fifteen, article four, of the Constitution, be dispensed with, on the ground of urgency.

The roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Hill, Hittell, Johnson, Johnston, Lampson, Nelson, Pardee, Rowell, Ryan, Satterwhite, Sears, Watson, and Zuck—20.

NOES—Messrs. Burt, Chase, George, Glasecock, Gorman, Harlan, Hudson, Kane, Kelly, Moreland, Pool, Wendell, and West—13.

Motion lost.

Bill referred to Committee on Agriculture.

Assembly Concurrent Resolution No. 15—As above, read first time, and adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

Also, passed the following bills:

Senate Bill No. 92—An Act to provide buildings and improvements for the deaf and dumb and the blind.

Also, Senate Bill No. 368—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute in the State Prison at San Quentin, and other expenses incidental and relating thereto.

FRANK J. HIGGINS, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March second, eighteen hundred and eighty-one, passed Assembly Bill No. 293—An Act to amend an Act entitled "An Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property."

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 293—As above, read first time.

Mr. Johnson moved to dispense with section fifteen, article four, of the Constitution, relating to reading bills, on the ground of urgency, in order that the bill be read a second time.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Pardee, Rowell, Satterwhite, Sears, Watson, West, and Zuck—27.

NOES—Messrs. Burt, Brown, Gorman, Hill, Nye, Traylor, and Wendell—7.

Motion carried.

Bill read second time.

Mr. Sears moved to make the bill special order for to-morrow after reading of Journal.

So ordered.

Mr. Sears moved that the Governor be requested to return to the Senate Senate Bill No. 272.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Conger, and Kane, and the roll was called, with the following result:

AYES—Messrs. Anderson, Davis, Hittell, Hudson, Johnson, Langford, Nye, Pardee, Sears, Traylor, and Watson—11.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—29.

Motion lost.

REPORT OF COMMITTEE.

By Mr. Johnson (by leave):

SENATE CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debits have had the following bills under consideration, and report the same back without recommendation:

Senate Bill No. 118—An Act to repeal section twenty-four of an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Also, Senate Bill No. 161—An Act to amend an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, by adding a new section thereto, to be known as section thirty, providing what lands shall be included in drainage districts.

Also, Senate Bill No. 190—An Act to prevent injury to agricultural lands in this State by the tailings and debris from hydraulic and placer mines.

Also, Senate Bill No. 279—An Act to add a new section, to be known as section one thousand four hundred and twenty three, to an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, relating to water and water rights.

Also, Senate Bill No. 282—An Act to amend section twenty-two of an Act entitled an Act to promote irrigation, approved April first, eighteen hundred and seventy-two, relating to irrigation.

Also, Senate Bill No. 283—An Act to amend section three hundred and forty of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to the time for the commencement of certain civil actions.

Also, Senate Bill No. 284—An Act to amend section one thousand two hundred and thirty-

eight of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to eminent domain.

Also, Senate Bill No. 309—An Act to promote irrigation and regulating the distribution of water used therefor.

Also, Senate Bill No. 311—An Act to repeal sections one thousand four hundred and ten, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and sixteen, one thousand four hundred and seventeen, one thousand four hundred and eighteen, one thousand four hundred and nineteen, one thousand four hundred and twenty, one thousand four hundred and twenty-one, and one thousand four hundred and twenty-two of the Civil Code, relating to the acquirement of water rights.

JOHNSON, Chairman.

Mr. Hudson moved to take up Assembly Bill No. 431.

So ordered.

Assembly Bill No. 431—An Act to provide for a proper representation of the products of California, at the next World's Exhibition, to be held in New York in eighteen hundred and eighty-three.

Read second time, and ordered to third reading.

Mr. Hudson moved to make the above bill the special order for to-morrow morning, to follow the other special orders.

So ordered.

Mr. Baker submitted a report of the Committee on Public Buildings and Grounds, which, on motion, was ordered printed.

Mr. Rowell moved to take up Assembly Bill No. 197.

Upon which motion the ayes and noes were demanded by Messrs. Cheney, Chase, and Byrnes, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Hill, Hittell, Hudson, Johnston, Lampson, Nye, Rowell, West, and Zuck—11.

NOES—Messrs. Burt, Brown, Carlock, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Johnson, Kane, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, and Wendell—21.

Motion lost.

Mr. Johnson moved to suspend the rules and take up Substitute for Assembly Bill No. 55.

Mr. Sears moved that when we adjourn, the Senate adjourn to meet to-morrow morning, at nine o'clock.

So ordered.

Upon the motion of Mr. Johnson, the ayes and noes were demanded by Messrs. Enos, Traylor, and Neumann, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, George, Gorman, Hill, Johnson, Kane, Kelly, Nelson, Pool, Ryan, Satterwhite, West, and Zuck—20.

NOES—Messrs. Baker, Brown, Cheney, Davis, Glascock, Harlan, Hittell, Hudson, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, and Wendell—17.

Motion lost.

Mr. Neumann moved to take up Assembly Bill No. 72.

Mr. Zuck moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Baker, Burt, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Conger, George, Hittell, Kelly, Lampson, Nye, Pardee, Traylor, Watson, Wendell, West, and Zuck—14.

NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Nelson, Neumann, Pool, Rowell, Ryan, and Sears—25.

Motion lost.

Upon the motion to take up Assembly Bill No. 72, the ayes and noes were demanded by Messrs. Neumann, Lampson, and Langford, and the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Chase, Cheney, Enos, Gorman, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Pool, Ryan, and West—16.

NOES—Messrs. Baker, Byrnes, Carlock, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Lampson, Langford, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—22.

Motion lost.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 11, 32, 139, 217, and 262, and that the same have this day been placed in the hands of the Governor, at five o'clock P. M.

HUDSON, Chairman.

Mr. Davis moved that the Senate have an evening session, at seven o'clock and thirty minutes P. M.

Lost.

Mr. West moved to take up Assembly Bill No. 360.

Lost.

ADJOURNMENT.

At five o'clock and ten minutes P. M., on motion of Mr. Johnson, the Senate adjourned, to meet at nine o'clock A. M. to-morrow.

IN SENATE.

SENATE CHAMBER,)
Friday, March 4, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnson moved that the reading of the Journal be temporarily postponed.

So ordered.

Mr. Traylor moved to take up Assembly messages.

MESSAGES FROM ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 10—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, to be known as section three hundred and seven, relating to the sale and use of opium.

Also, Senate Bill No. 187—An Act to establish a Branch State Normal School.

Also, Senate Bill No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property held by life estate.

FRANK HIGGINS, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 9—An Act to add a new section to the Penal Code, to be known as section four hundred and two, to prevent the sale of adulterated milk.

Also, Senate Bill No. 156—An Act to add nine new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, relating to the issuance of bonds by the Trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

Also, Senate Bill No. 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Also, Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy-three, one thousand nine hundred and ninety, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

Also, on March first, and March second, amended, and, on this day, passed as amended, Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

G. E. McSTAY, Chief Clerk.

Senate Bill No. 239—As above.

Mr. Johnson moved that the Senate concur in Assembly amendments to said bill.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, and Traylor—27.

NOES—Mr. Neumann—1.

Amendments concurred in.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots.

Also, Senate Bill No. 130—An Act to provide for the deficiency in the appropriation "for payment of rewards offered by Governor" during the thirty-first fiscal year.

Also, Substitute for Senate Bill No. 258—An Act to amend sections eleven, seventeen, eighteen, and twenty, and to repeal section thirty, of an Act entitled an Act to define, regulate, and govern the State Prisons of California, approved April fifteenth, eighteen hundred and eighty.

FRANK J. HIGGINS,
Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March third, eighteen hundred and eighty-one, concurred in all the Senate amendments except the last amendment to Assembly Bill No. 368—An Act to amend sections one thousand five hun-

dred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools. The Assembly refused to concur in said last amendment to said bill and requests the Senate to recede.

Also, passed Senate Bill No. 38—An Act to authorize the Controller and Treasurer of the State to transfer certain funds.

Also, adopted the following: Assembly Concurrent Resolution No. 18—Relative to requesting Congress to make an appropriation for the improvement of the harbor and outlet of Clear Lake, California.

Assembly Concurrent Resolution No. 19—Relative to asking Congress to appropriate money from the General Government for the dredging of Napa River, between Mare Island and the City of Napa.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 368—As above.

Mr. Davis moved that the Senate refuse to recede from its amendment.

Carried.

Mr. Davis moved the appointment of a Committee of Free Conference.

So ordered.

The President appointed as such committee, Messrs. Davis, Hill, and Wendell.

Assembly Concurrent Resolution No. 18—As above.

Read and adopted.

Assembly Concurrent Resolution No. 19—As above.

Read and adopted.

SPECIAL ORDERS.

For Friday morning, immediately after the reading of the Journal: Report of Committee on Contingent Expenses.

Mr. Johnson moved the adoption of the following resolution:

Resolved, That the sum of sixty dollars be and the same is hereby appropriated out of the fund for the contingent expenses of the Senate, to be paid to J. F. Carter for services rendered in lighting the gas in the Senate Chamber during the present session of the Senate.

Upon which the ayes and noes were called, with the following result:

AYES—Messrs. Carlock, Cheney, Harlan, Johnson, Johnston, Kane, Kelly, Lampson, Pool, Ryan, Watson, and West—12.

NOES—Messrs. Anderson, Baker, Chase, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Langford, Moreland, Nye, Rowell, Satterwhite, Sears, Traylor, Wendell, and Zuck—21.

Resolution lost.

Upon the adoption of the following resolution:

Resolved, That the Postmistress of the Senate be and she is hereby directed and authorized to remain at Sacramento for one week after the adjournment of the Legislature, for the purpose of receiving all of the mail matter of the Senators and sending the same to their address. Said Postmistress to receive thirty dollars for such services, payable out of the appropriation for the contingent expenses of the Senate.

The roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Chase, Cheney, Glasecock, Gorman, Johnson, Johnston, Kane, Kelly, Lampson, Neumann, Pool, Ryan, Traylor, and West—17.

NOES—Messrs. Baker, Burt, Carlock, Davis, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Langford, Moreland, Nye, Pardee, Rowell, Ryan, Satterwhite, Watson, Wendell, and Zuck—21.

Question upon the adoption of the following resolution:

Resolved, That A. Wasson be and is hereby allowed the sum of thirty-five and sixty one hundredths dollars, payable out of the appropriation for the contingent expenses of the Senate, in full for the following demands:

To 1280 pounds ice used by Senate	\$25 60
To washing towels for the term	10 00
	<hr/>
	\$35 60

Adopted.

Question upon the adoption of the following resolution:

Resolved, That H. L. Cutter, Clerk of the Committee on Public Buildings, be and is hereby allowed the sum of sixty-six dollars, mileage traveled by him on business of said committee, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

SPECIAL ORDERS.

For Friday morning, March fourth, immediately after reading of Journal: Assembly Bill No. 483—An Act to facilitate the equalization of assessments in reclamation districts.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Pool, Rowell, Sears, Traylor, Watson, West, and Zuck—28.

NOES—None.

Title read and approved.

Assembly Bill No. 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, relating to assessments of railroads and other property by the State Board of Equalization and County Assessors, for the purposes of taxation.

Read third time.

Mr. Wendell moved the bill be indefinitely postponed.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Burt, Chase, Glasecock, Gorman, Hill, Hittell, Hudson, Lampson, Langford, Moreland, Nye, Rowell, Wendell, and Zuck—14.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—25.

Motion lost.

The question recurred on the passage of the bill, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—25.

NOES—Messrs. Burt, Chase, Glasecock, Gorman, Hill, Hittell, Lampson, Moreland, Nye, Rowell, Wendell, West, and Zuck—13.

Bill passed.
Title read and approved.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Concurrent Resolution No. 10. Also, Senate Joint Resolution No. 3. Also, Senate Bills Nos. 9, 92, 219, 313, and 368, and that the same have this day been placed in the hands of the Governor, at nine o'clock and thirty minutes A. M.

HUDSON, Chairman.

Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Pool, Ryan, Sears, Watson, and Wendell—21.

NOES—Messrs. Burt, Brown, Carlock, Davis, George, Glascock, Hittell, Hudson, Nye, Rowell, Traylor, West, and Zuck—13.

Title read and approved.

Assembly Bill No. 293—An Act to amend an Act entitled "An Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property," relating to certain lands in the City and County of San Francisco.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Chase, Cheney, Conger, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Pool, Ryan, Satterwhite, Sears, and West—23.

NOES—Messrs. Brown, Carlock, Davis, Lampson, Nye, Pardee, Rowell, Traylor, Wendell, and Zuck—10.

Title read and approved.

Assembly Bill No. 431—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York in eighteen hundred and eighty-three.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Cheney, Davis, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, West, and Zuck—27.

NOES—Messrs. Conger, Glascock, Kane, Nye, and Traylor—5.

Title read and approved.

REPORT OF FREE CONFERENCE COMMITTEE.

By Mr. Davis:

MR. PRESIDENT: Your Committee on Free Conference, to whom was referred Assembly Bill No. 368, as amended by the Senate, have had the same under consideration, and now report the same back, and recommend that section twenty-five of said bill be stricken out, and that sections twenty-six, twenty-seven, and twenty-eight of said bill be numbered respectively twenty-five, twenty-six, and twenty-seven. Also strike out of title one thousand eight hundred and fifty-seven, and that the Assembly concur in Senate amendment to section twenty-eight.

E. A. DAVIS,
W. J. HILL,
J. F. WENDELL,
Committee.

Mr. Davis moved the adoption of the report, upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Wendell, West, and Zuck—31.

NOES—None.

Report adopted.

THIRD READING OF BILLS.

Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Byrnes, Chase, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Lampson, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—21.

NOES—Messrs. Brown, Conger, George, Glascock, Hittell, Kane, Kelly, Moreland, and Wendell—9.

Title read and approved.

Assembly Bill No. 59—An Act to amend an Act entitled "An Act for the protection of settlers on public lands claimed by the State," approved March tenth, eighteen hundred and seventy-four.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Chase, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Ryan, Satterwhite, Sears, Watson, Wendell, and West—26.

NOES—Messrs. Brown, Moreland, Pardee, Rowell, Traylor, and Zuck—6.

Title read and approved.

Assembly Bill No. 249—An Act to amend section four hundred and sixteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to fees for services performed in the office of the Secretary of State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nye, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—28.

NOES—Messrs. George, Hill, and Traylor—3.

Title read and approved.

Assembly Concurrent Resolution No. 11—Relative to the grant of lands of the sixteenth and thirty-sixth sections made to the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Nye, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—25.

NOES—Messrs. Hittell and Rowell—2.

Title read and approved.

Mr. West moved to take up Senate Bill No. 360.

So ordered.

Senate Bill No. 360—An Act to amend sections three hundred and fifty-four, one thousand four hundred and eighty-seven, and one thousand four hundred and eighty-eight of the Political Code, relating to State Normal Schools and Boards of Trustees thereof.

Read second time and ordered engrossed.

Mr. West moved that the pending bill be considered engrossed and made a case of urgency, and that the provisions of section fifteen, article four, of the Constitution, be dispensed with.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kelly, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—28.

NOES—Messrs. Burt, Glascock, Hill, Hittell, Kane, Langford, Moreland, and Wendell—8.

Motion carried.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Nye, Pardoe, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—25.

NOES—Messrs. Burt, Dickinson, Hittell, Kane, and Moreland—5.

Title read and approved.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

Also, Senate Bill No. 243—An Act to amend section six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game.

Also, Senate Bill No. 356—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant.

Also, Senate Bill No. 105—An Act to create a Police Judge's Court in and for the City and County of San Francisco, to define its powers and jurisdiction.

And the Assembly concurred in the report of the Free Conference Committee on Assembly Bill No. 368, and adopted the amendments thereto.

FRANK J. HIGGINS, Assistant Clerk.

Senate Bill No. 130—As above.

Mr. Sears moved to concur in Assembly amendment.

The roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Pardoe, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, and Zuck—26.

NOES—Mr. Nye—1.

Amendment concurred in.

Mr. Hill moved to take up Assembly Concurrent Resolution No. 2—Relative to donations to railroad corporations.

Upon the motion of Mr. Hill the roll was called, with the following result:

AYES—Messrs. Baker, Carlock, Chase, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Lumpson, Nye, Pardoe, Pool, Rowell, Satterwhite, Wendell, West, and Zuck—21.

NOES—Messrs. Brown, Cheney, Conger, George, Johnson, Johnston, Nelson, Neumann, Ryan, Sears, Traylor, and Watson—12.

It requiring a two-thirds vote, it was declared lost.

REPORTS OF COMMITTEES.

By Mr. Hudson :

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 10, 17, and 156, and that the same have this day been placed in the hands of the Governor, at ten o'clock and ten minutes A. M.

HUDSON, Chairman.

By Mr. Johnston :

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 235—An Act to provide for the payment of the indebtedness now outstanding of swamp land districts of this State, represented by State Controller's warrants drawn on the State treasury :

Also, Senate Bill No. 270—An Act to provide for the payment of the Controller's warrants outstanding against certain swamp land districts of this State :

Also, Senate Bill No. 53—An Act to amend section three thousand four hundred and forty-two of the Political Code, relating to the sale of swamp and overflowed lands of this State :

Have had the same under consideration, and report the same back to the Senate without recommendation.

JOHNSTON, Chairman.

By Mr. Baker :

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 12, relative to asking Congress to declare the lands of the Moquelumnes Grant a portion of the public domain, subject to entry under the Homestead and Pre-emption Act, have had the same under consideration, and respectfully report the same back without recommendation.

BAKER, Chairman.

On motion of Mr. Johnson, Assembly messages were taken up.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest.

Also, Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official duties.

And, on March third, amended, and on this day passed as amended, Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds.

FRANK J. HIGGINS, Assistant Clerk.

Upon concurring in the Assembly amendment to Senate Bill No. 44, the roll was called, with the following result :

AYES—Messrs. Baker, Brown, Carlock, Chase, Conger, Dickinson, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Pool, Ryan, Watson, Wendell, and Zuck—21.

NOES—Messrs. Burt, Cheney, Davis, Glascock, Hill, Hittell, Lampson, Langford, and Nye—9.

Amendment adopted.

Mr. Neumann moved to take up Assembly Bill No. 202 from Second Reading File.

So ordered.

Assembly Bill No. 202—An Act to provide a State hospital and asylum for miners.

Read second time.

Mr. Neumann moved that section fifteen, article four, of the provisions of the Constitution, be dispensed with, on the ground of urgency, and that the bill be read a third time.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Watson, West, and Zuck—27.

NOES—Messrs. Chase, Glascock, and Wendell—3.

Motion carried.

Bill read a third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Langford, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Watson, West, and Zuck—27.

NOES—Messrs. Glascock and Wendell—2.

Title read and approved.

REPORTS OF COMMITTEES.

By Mr. West:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 224 An Act regulating the taking up of stray animals, and posting the same—have had the same under consideration and report the same back, and a majority of said committee recommend the passage of said bill.

J. P. WEST, Chairman,
C. ROWELL,
W. J. HILL,
WM. JOHNSTON,
S. B. BURT.

By Mr. Glascock:

SENATE CHAMBER, SACRAMENTO, March 3, 1881.

MR. PRESIDENT: The minority of the Committee on Agriculture beg leave to report back Assembly Bill No. 224 An Act regulating the taking up of stray animals and posting the same—and recommend that the same be not passed.

B. B. GLASCOCK.
J. H. HARLAN.

Mr. Rowell moved to take up Assembly Bill No. 224, for second reading—An Act regulating the taking up of stray animals and posting the same.

So ordered.

Bill read second time.

Mr. Hill moved that the provisions of section fifteen, article four, of the Constitution, be dispensed with, on the ground of urgency, and the bill be read a third time.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Davis, Hill, Hittell, Johnson, Moreland, Nye, Pardee, Rowell, Satterwhite, West, and Zuck—14.

NOES—Messrs. Burt, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Kane, Pool, Ryan, Traylor, Watson, and Wendell—16.

Motion lost.

REPORTS OF COMMITTEES.

By Mr. Pardee:

MR. PRESIDENT: Your Committee on Finance, to whom was referred the Governor's communication, have had the same under consideration, and beg leave to report that the few hours remaining of the session prevents any action on the appropriation bill, and we recommend that in view of the important laws necessary to carry on the machinery of the State, county, and town governments, as well as other important measures, and many other reasons; therefore, we recommend to his Excellency the Governor, that he convene the Legislature in extra session at as early a day as practicable, and include in his proclamation such subjects as he may deem important and necessary.

PARDEE, Chairman.

By Mr. Ryan:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: The undersigned, a member of the Senate Finance Committee, to whom was referred a communication from his Excellency, Geo. C. Perkins, Governor of California, begs leave to make the following minority report: I respectfully recommend that the suggestions of the Governor be complied with; that the Senate rescind the resolution adopted by Senate and Assembly, to adjourn sine die, this day, at twelve o'clock m., and if the Assembly also consent to rescind said resolution, that the Legislature continue in session until a general appropriation bill is passed.

PIERCE H. RYAN.

By Mr. Davis:

MR. PRESIDENT: The undersigned, a minority of the Committee on Finance, to whom was referred the communication of his Excellency the Governor, relative to adjournment, respectfully dissent from the majority, and report as follows:

That the effect of the recommendations contained in said communication, if agreed to by the Senate, will render it necessary for this body to rescind its action by which it heretofore concurred in Assembly Concurrent Resolution No. 25.

The undersigned cannot gainsay the substance of said communication, and believe that his Excellency, in bringing the matters therein contained before this body, has acted wisely and in accordance with his duty as the chief magistrate of the State. We believe it is the duty of the Legislature to remain at its post until such legislation is had as will enable the government to maintain itself. To refuse to do so is either to stop the wheels of government, or willfully to compel the Executive of the State to convene the Legislature in extra session, thus exercising a coercive power against that high officer unbecoming and undignified in a Legislature.

We, therefore, indorse said communication, and recommend that the action of the Senate on said concurrent resolution be rescinded, and that this Senate manifest its desire and intention to accomplish, if possible, the legislation recommended by his Excellency the Governor, before final adjournment, leaving the responsibility for the failure of other legislation demanded by the Constitution where it properly belongs.

E. A. DAVIS
W. W. TRAYLOR.

Mr. Davis moved the adoption of the minority report.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 187, 239, and 258, and that the same have this day been placed in the hands of the Governor, at eleven o'clock a. m.

HUDSON, Chairman.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 3, 1881. }*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 11—An Act to appropriate moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State in preparing bills adapting the Codes to the Constitution.

Also, Senate Bill No. 32—An Act concerning the Medical Department of the University of California.

Also, Senate Bill No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition.

Also, Senate Bill No. 225—An Act to provide an additional Judge of the Superior Court of the County of Alameda.

Also, Senate Bill No. 262—An Act to authorize the Boards of Supervisors of the several counties in this State to grant franchises and privileges to corporations, associations, or individuals.

GEO. C. PERKINS, Governor.

REPORT OF COMMITTEE.

By Mr. Johnson :

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: Your Committee on Apportionment, to whom was referred Senate Bills Nos. 1, 2, and 60, have had the same under consideration, and beg leave to report the same back without recommendation.

GROVE L. JOHNSON, Chairman.

The question recurred upon the motion to adopt the minority report offered by Mr. Davis.

Mr. Johnston moved to lay the motion upon the table temporarily, for the purpose of taking up Assembly messages.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Dickinson, George, Gorman, Hill, Hudson, Johnson, Johnston, Lampson, Langford, Nye, Pardee, Sears, Traylor, Watson, West, and Zuck—22.

NOES—Messrs. Anderson, Brown, Conger, Davis, Enos, Harlan, Kane, Kelly, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, and Wendell—15.

Motion carried.

Mr. Johnson moved to take up Assembly messages.

Carried.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 29, relative to the extension of the time of adjournment sine die of the twenty-fourth session of the Legislature of California.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Concurrent Resolution No. 29—As above, read.

Mr. Dickinson moved to amend as follows: "Provided that no additional bills shall be passed except those now under discussion."

Adopted.

Upon the passage of the resolution, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Glascock, Harlan, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, and West—24.

NOES—Messrs. Brown, Chase, Enos, George, Gorman, Hill, Hittell, Hudson, Kane, Langford, Moreland, Rowell, Ryan, Wendell, and Zuck.

Resolution adopted.

Mr. Enos moved to take from the table the minority report of the Finance Committee for consideration.

REPORT OF COMMITTEE.

By Mr. Hudson :

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 44, and that the same has been placed in the hands of the Governor, at eleven o'clock and fifteen minutes A. M.

HUDSON, Chairman.

MESSAGE FROM ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendment to Assembly Concurrent Resolution No. 29, relative to the time of adjournment sine die of the twenty-fourth session of the Legislature of California.

GEORGE E. McSTAY, Chief Clerk.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 38 and 250, and that the same have this day been placed in the hands of the Governor, at twelve o'clock M.

HUDSON, Chairman.

Mr. Johnson moved to take a recess until four o'clock P. M.

Mr. Ryan moved to amend by striking out four o'clock and insert two and a half o'clock P. M. in lieu thereof. Upon which motion the ayes and noes were called, with the following result:

AYES—MESSRS. Anderson, Burt, Davis, Enos, Glasecock, Gorman, Johnston, Kane, Kelly, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, and West—16.

NOES—MESSRS. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Moreland, Neumann, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—22.

Amendment lost.

The question recurred upon the motion of Mr. Johnson to take a recess until four o'clock P. M., upon which motion the ayes and noes were called, with the following result:

AYES—MESSRS. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Neumann, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—27.

NOES—MESSRS. Anderson, Davis, Enos, Kane, Kelly, Langford, Nelson, Nye, Pardee, Pool, Ryan, and Satterwhite—12.

Motion carried.

REPORTS OF COMMITTEES.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 130 and 336, and that the same have this day been placed in the hands of the Governor, at twelve o'clock and fifteen minutes P. M.

HUDSON, Chairman.

By Mr. Pardee:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 345, Assembly Bill No. 99, Senate Bill No. 68, Senate Bill No. 69, and Senate Bill No. 310, return the same without recommendation.

PARDEE, Chairman.

RECESS.

At twelve o'clock and ten minutes P. M. the President declared a recess until four o'clock P. M.

REASSEMBLED.

The Senate reassembled at four o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

REPORT OF COMMITTEE.

By Mr. Hudson :

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 31, 32, 105, 213, and 222, and that the same have this day been placed in the hands of the Governor, at four o'clock P. M.

HUDSON, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 30, Relative to instructing the Chief Clerk of the Assembly to correct a clerical error in the title to Assembly Bill No. 108.

Also, concurred in Senate amendments to Assembly Bill No. 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy two, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, relating to assessments of railroads and other property, by the State Board of Equalization and County Assessors, for the purposes of taxation.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Concurrent Resolution No. 30—As above.

Read and adopted.

Journal of yesterday read and approved.

Journal of to-day read and approved.

REPORT OF COMMITTEE.

By Mr. Hudson :

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 105, and that the same has this day been placed in the hands of the Governor, at four o'clock and ten minutes P. M.

Your committee also beg leave to report further, that they have no more bills in their possession.

HUDSON, Chairman.

Mr. Johnson offered the following resolution, and moved its adoption:

Resolved, That the report of the Committee on Irrigation, Water Rights, Drainage, and Mining Debts, together with the testimony taken before said committee in reference to the work done under the direction of the Board of Directors of Drainage District No. 1, be printed and bound in the Appendix to the Journal of the Senate.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hudson, Johnson, Kane, Langford, Nelson, Neumann, Nye, Pool, Sears, Traylor, Watson, and West—29.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Conger, Enos, Gorman, Hall, Hittell, Johnston, Kelly, Lampson, Moreland, Pardee, Rowell, Ryan, Satterwhite, Wendell, and Zuck—20.

The President of the Senate voting aye, the resolution was declared adopted.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 4, 1881.

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 10—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, to be known as section three hundred and seven, relating to the sale and use of opium.

Also, Senate Bill No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property held by life estate.

Also, Senate Bill No. 38—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds.

Also, Senate Bill No. 130—An Act to provide for the deficiency in the appropriation for payment of rewards offered by the Governor during the thirty-first fiscal year.

Also, Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Also, Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to the Deputy Clerks of the Supreme Court.

Also, Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes.

Also, Senate Bill No. 313—An Act making appropriation for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Also, Senate Bill No. 356—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant.

Also, Senate Bill No. 368—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute, for the State Prison at San Quentin, and other expenses incidental and relating thereto.

Also, Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy-three, one thousand nine hundred and ninety, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

GEORGE C. PERKINS, Governor.

President pro tem. in the chair.

RESOLUTION.

By Mr. Davis:

WHEREAS, The position of presiding officer of a legislative body is one of peculiar difficulties, requiring a combination of qualities of head and heart unfrequently possessed by man, and demanding the exercise of wisdom, close perception, and discrimination, energy and forbearance, imposing the burden of continued labor and mental strain, without the opportunity for relaxation or display; and, whereas, this Senate, which is about to adjourn its last session *sine die*, has been peculiarly fortunate in the choice made by the people of its President; therefore,

Resolved by the Senate, That it recognizes the possession of the qualities above enumerated by President John Mansfield; that, as presiding officer of this body, he has justly won for himself a proud reputation for skill and knowledge, and that we hereby express to him our thanks and congratulations for the able, fair, and courteous manner in which he has served us in the position he has so highly honored.

Mr. Davis moved the adoption of the resolution.

So ordered.

Mr. Neumann moved to reconsider the vote by which the resolution to print testimony was adopted, upon which the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Chase, Conger, Enos, Gorman, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—25.

NOES.—Messrs. Anderson, Burt, Byrnes, Cheney, Davis, Dickinson, George, Glascock, Harlan, Johnson, Lampson, Langford, Sears, Traylor, and Watson—15.

Motion carried.

Resolution lost.

Mr. Davis moved that a committee of three be appointed to wait on the Governor and ascertain if he has any further communications to make to the Senate.

So ordered.

The Chair appointed Senators Davis, Moreland, and Dickinson.

On motion of Mr. Johnson, the Secretary was instructed to inform the Assembly that the Senate had no further business to communicate.

The committee appointed to wait upon the Governor reported that they had performed that duty, and that the Governor had no further communication.

RESOLUTION.

By Mr. Sears:

Resolved, That the thanks of the members of the Senate, irrespective of party, be extended to the Clerks of this House, for the efficient and courteous manner in which they have performed their duties.

Adopted.

Mr. Davis moved that the thanks of the Senate be tendered to the President pro tem., for his efficiency and uniform courtesy, manifested in the discharge of his official duties.

Adopted.

At five o'clock p. m., the time for the adjournment of the twenty-fourth session of the Legislature of the State of California, having arrived, the President declared the Senate adjourned *sine die*.

JOHN MANSFIELD,
President of the Senate.

Attest: J. A. ORR,
Secretary of the Senate.

JOURNAL
OF THE
PROCEEDINGS OF THE SENATE.

EXTRA SESSION.



CALIFORNIA LEGISLATURE—SENATE.

TWENTY-FOURTH (EXTRA) SESSION.

IN SENATE.

SENATE CHAMBER,
Monday, April 4, 1881. }

The Senate met at twelve o'clock M.

President Mansfield in the chair.

In pursuance of the proclamation of the Governor of the State of California, convening the Legislature of the State of California, President Mansfield now called the Senate to order.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck.

Quorum present.

The President directed the Secretary to read the proclamation of the Governor convening the extra session of the Legislature.

Whereupon, the Secretary read the following proclamation:

PROCLAMATION.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

WHEREAS, It is considered by me that an extraordinary occasion now exists for convening the Legislature, now, therefore, under and by virtue of the authority in me vested by Section 9, of Article V, of the Constitution of the State of California, I do hereby convene the Legislature in extra session for a period of twenty days, at the State Capitol, on Monday, the fourth day of April, A. D. 1881, at the hour of twelve o'clock M.

The purposes for which I have by this proclamation convened the Legislature in extra session aforesaid are as follows:

First—To enact a general appropriation bill, which shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State, for the thirty-third and thirty-fourth fiscal years.

Second—To levy the rates of taxation, or, in the discretion of the Legislature, to provide that the State Board of Equalization shall fix such an ad valorem rate of taxation upon each one hundred dollars of taxable property of this State, which, after allowing the per cent. required by law to be allowed for delinquencies in and cost of collection of taxes, shall be sufficient to raise the specific amount of revenue determined upon and directed to be raised by the Legislature for the thirty-third and thirty-fourth fiscal years.

Third—To appropriate money to pay the deficiencies in appropriations for the support of the civil government of this State for the thirty-first and thirty-second fiscal years.

Fourth—To divide the State into Senatorial, Assembly, and Congressional Districts.

Fifth—To enact a general road law.

Sixth—To send appointments to the Senate for their confirmation.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed, at Sacramento, this twenty-fourth day of March, in the year of our Lord eighteen hundred and eighty-one.

By the Governor:

D. M. BURNS, Secretary of State.

GEORGE C. PERKINS, Governor.

RESOLUTION.

Mr. Davis offered the following resolution:

Resolved, That the incumbents of the following named offices at the close of the last regular session of the Senate, to wit: the President pro tem., the Secretary, the Assistant Secretaries, the Sergeant-at-Arms, the Assistant Sergeant-at-Arms, the Minute Clerk, the Assistant Minute Clerk, the Journal Clerk, the Assistant Journal Clerk, the Engrossing Clerk, the Postmistress, and the Secretary to the Sergeant-at-Arms, be and they are hereby requested to their respective positions, to hold office during the present session, or until removed therefrom.

Mr. Enos offered the following resolution as a substitute:

Resolved, That the Senate do now proceed to elect the officers and employes of the Senate for the extra session.

Mr. Johnson moved that the consideration of the resolution be continued until to-morrow.

Mr. Johnson moved that the Senate adjourn until to-morrow at ten o'clock A. M.

Upon the question to adjourn, the ayes and noes were called, with the following result:

AYES.—Messrs. Brown, Chase, Cheney, George, Gorman, Johnson, Johnston, Kelly, Ryan, and Satterwhite—10.

NOES.—Messrs. Anderson, Baker, Carlock, Conger, Davis, Enos, Harlan, Hill, Hudson, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Traylor, Watson, West, and Zuck—22.

Motion lost.

Mr. Traylor offered the following as an amendment to the substitute:

Resolved, That the Senate do now proceed to organize by the election of the following officers: President pro tem., Secretary, Assistant Secretaries, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Minute Clerk, Assistant Minute Clerk, Journal Clerk, Assistant Journal Clerk, Engrossing Clerk, Postmistress, and the Secretary to Sergeant-at-Arms.

Mr. Enos withdrew his substitute.

Mr. Brown moved a recess until three o'clock P. M.

Mr. Neumann asked leave of absence for an hour and a half.

Granted.

Mr. Cheney asked leave of absence for ten minutes.

Granted.

Upon the motion to take a recess until three o'clock P. M., the ayes and noes were demanded by Messrs. Zuck, Baker, and Davis, and the roll was called, with the following result:

AYES.—Messrs. Anderson, Brown, Carlock, Chase, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, and West—19.

NOES.—Messrs. Baker, Conger, Davis, Enos, Hill, Kane, Langford, Neumann, Nye, Pardee, Traylor, and Zuck—12.

Motion carried.

RECESS.

At one o'clock and fifteen minutes P. M., the President declared a recess until three o'clock P. M.

REASSEMBLED.

The Senate reassembled at three o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Watson moved that the pending resolutions be laid upon the table.

Upon which motion the ayes and noes were demanded, and the roll was called, with the following result:

AYES—Messrs. Carlock, Chase, Cheney, Conger, Dickinson, George, Johnson, Johnston, Nye, Watson, and Wendell—11.

NOES—Messrs. Anderson, Baker, Brown, Davis, Enos, Gorman, Harlan, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Rowell, Ryan, Satterwhite, Traylor, and West—19.

Motion lost.

Upon the adoption of the resolution of Mr. Traylor, the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Brown, Enos, Gorman, Harlan, Hudson, Johnston, Kelly, Langford, Neumann, Rowell, Ryan, Satterwhite, Traylor, and West—15.

NOES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Johnson, Kane, Lampson, Moreland, Nye, Watson, and Wendell—16.

Resolution lost.

SUBSTITUTE.

Mr. Enos now reoffered the following, as a substitute to the original resolution offered by Mr. Davis:

Resolved. That the Senate do now proceed to elect the officers and employés of the Senate for the extra session.

Upon its adoption the ayes and noes were called, with the following result:

AYES—Messrs. Anderson, Brown, Dickinson, Enos, Gorman, Harlan, Hudson, Kelly, Langford, Moreland, Neumann, Pardee, Rowell, Ryan, Satterwhite, Traylor, West, and Zuck—18.

NOES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Johnson, Kane, Lampson, Nye, Watson, and Wendell—15.

Substitute adopted.

RESOLUTION.

Mr. Baker offered the following as an amendment to the substitute:

Resolved, That in the judgment of the Senate, the officers of the Senate chosen at the session of the Legislature held in January, eighteen hundred and eighty-one, are the officers of this body, and entitled and qualified to continue in the discharge of their duties until removed by the Senate.

Upon its adoption, the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, George, Johnson, Kane, Lampson, Watson, and Wendell—14.

NOES—Messrs. Anderson, Brown, Carlock, Enos, Gorman, Harlan, Hudson, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, T aylor, West, and Zuck—19.

Resolution lost.

Mr. Rowell moved the adoption of the substitute offered by Mr. Enos.

Carried.

The President declared the nomination of officers now in order.

ELECTION OF OFFICERS.

For President pro tem. Mr. Neumann nominated Hon. William Johnston, of Sacramento.

Mr. Kane nominated Hon. Warren Chase, of Santa Barbara.

The roll was called, with the following result:

For Mr. Johnston—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, T aylor, Watson, Wendell, West, and Zuck—32.

For Mr. Chase—Messrs. Johnston and Kane—2.

Mr. Johnston, having received a majority of all the votes cast, the President declared him duly elected President pro tem. of the Senate.

FOR SECRETARY OF THE SENATE.

Mr. Cheney nominated James A. Orr.

The roll was called, with the following result:

For James A. Orr—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, T aylor, Watson, Wendell, West, and Zuck—34.

Mr. Orr was declared unanimously elected Secretary of the Senate.

FOR ASSISTANT SECRETARIES OF THE SENATE.

Mr. Johnston nominated C. T. Johns and Edward J. Smith.

The roll was called, with the following result:

For C. T. Johns—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, T aylor, Watson, Wendell, West, and Zuck—33.

For Ed. J. Smith—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, T aylor, Watson, Wendell, West, and Zuck—33.

Messrs. Johns and Smith, having received all the votes cast, were declared duly elected Assistant Secretaries of the Senate.

FOR SERGEANT-AT-ARMS.

Mr. Johnson nominated Andrew Wasson.

The roll was called, with the following result:

For Wasson—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—33.

Mr. Wasson was declared the unanimous choice of the Senate for Sergeant-at-Arms.

FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Johnson nominated D. B. Kingery.

The roll was called, with the following result:

For Kingery—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—34.

Mr. Kingery, having received all the votes cast, was declared duly elected Assistant Sergeant-at-Arms.

FOR MINUTE CLERK.

Mr. Enos nominated John R. Eardley.

The roll was called, with the following result:

For J. R. Eardley—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—34.

Mr. Eardley, having received all the votes cast, was declared the unanimous choice of the Senate for Minute Clerk.

FOR JOURNAL CLERK.

Mr. Johnson nominated John R. Brierly.

The roll was called, with the following result:

For Brierly—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—33.

Mr. Brierly, having received all the votes cast, was declared unanimously elected Journal Clerk of the Senate.

FOR ENGROSSING CLERK.

Mr. Johnson nominated Ed. C. Humphreys.

The roll was called, with the following result:

For Humphreys—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Neumann, Nye, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, and Zuck—30.

Mr. Humphreys, having received all the votes cast, was declared duly elected Engrossing Clerk of the Senate.

For Postmistress, Mr. Johnson nominated Mrs. Whittingham.

The roll was called, with the following result:

For Mrs. Whittingham—Messrs. Anderson, Baker, Burr, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—32.

Mrs. Whittingham, having received all the votes cast, was duly declared elected Postmistress of the Senate.

The President administered the oath of office to the officers elect.

RESOLUTIONS.

By Mr. Johnson:

Resolved, That Miss Mollie Reynolds be and she is hereby appointed Assistant Minute Clerk, at a per diem of six dollars, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Cheney:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to employ A. L. Van Meter as his Clerk, at a salary of five dollars per day, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Johnson:

Resolved, That Charles H. Graham be and he is hereby appointed Assistant Journal Clerk of the Senate, at a per diem of six dollars, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Rowell:

• *Resolved*, That J. F. Seel be and he is hereby appointed Mail Carrier, at a per diem of three dollars.

Adopted.

By Mr. Enos:

Resolved, That the Standing Rules of the Senate for the regular session of eighteen hundred and eighty-one be and the same are hereby ordered to remain as the rules for this extra session.

Mr. Neumann moved to amend, by appointing a Committee of Three on Rules, to report to-morrow, at eleven o'clock A. M.

Mr. Enos accepted the amendment.

President pro tem. in the chair.

By Mr. Johnson:

Resolved, That the following be and they are hereby appointed to the following positions, at the following per diem, payable out of the appropriation for the contingent expenses for the Senate, viz.:

Henry McCann, Gatekeeper.....	\$4 00
Joseph Johnston, Day Watchman.....	4 00
J. S. Nash, Night Watchman.....	4 00
P. A. Bell, Gallery Watchman.....	4 00
R. H. Small, Committee-room Porter.....	4 00
John Conrad, Porter.....	4 00

Adopted.

FOR GATE KEEPER.

Mr. Neumann nominated James Cole.
 Mr. Davis nominated D. S. Hyams.
 Mr. Enos nominated Mrs. Ives.
 Mr. Lampson nominated Andrew Lawrence.
 The roll was called, with the following result:

For James Cole—Messrs. Baker, Brown, Hudson, Neumann, Pardee, and Zuck—6.
For D. S. Hyams—Messrs. Burt, Byrnes, Davis, Johnson, Moreland, Nye, Rowell, and Traylor—8.
For Mrs. Ives—Messrs. Anderson, Carlock, Chase, Conger, Enos, George, Gorman, Harlan, Johnston, Kane, Langford, Ryan, Satterwhite, Watson, Wendell, and West—16.
For Andrew Lawrence—Messrs. Kelly and Lampson—2.

There being no election, Mr. Neumann withdrew the name of James Cole.

Mr. Lampson withdrew the name of Andrew Lawrence.

The roll was again called, with the following result:

For D. S. Hyams—Messrs. Baker, Burt, Byrnes, Davis, Johnson, Rowell, Traylor, and Zuck—8.
For Mrs. Ives—Messrs. Anderson, Brown, Carlock, Chase, Conger, Enos, George, Gorman, Harlan, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Ryan, Satterwhite, Watson, Wendell, and West—24.

Mrs. Ives, having received a majority of all the votes cast, was declared duly elected Gate Keeper.

RESOLUTIONS.

By Mr. Johnson:

Resolved, That A. M. Lawrence be and he is hereby appointed Page to the Sergeant-at-Arms, and Messenger, at a per diem of three dollars, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Baker:

Resolved, That the Secretary of the Senate be and he is hereby instructed to notify the Assembly that the Senate has chosen the following officers: President pro tem., Honorable Wm. Johnston; Secretary, Jas. A. Orr; Assistant Secretaries, C. T. Johns and Ed. J. Smith; Sergeant-at-Arms, A. Wasson; Assistant Sergeant-at-Arms, D. Kingery; Minute Clerk, J. R. Eardley; Journal Clerk, J. R. Briarly; Engraving Clerk, Ed. Humphreys; Postmistress, Mrs. Whittingham; and is now organized and ready for the transaction of business.

Adopted.

Mr. Davis moved the appointment of a committee of three to wait upon the Governor.

The President appointed Senators Davis, Harlan, and Traylor.

The President announced as Committee on Rules, Messrs. Neumann, Johnson, and Satterwhite.

The President announced the appointment of former Standing Committees.

ADJOURNMENT.

At five o'clock p. m., on motion of Mr. Johnson, the Senate adjourned until to-morrow, at eleven o'clock a. m.

IN SENATE.

SENATE CHAMBER,
 Tuesday, April 5, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, and amended by striking out the word "extraordinary," on first page, printed copy, and inserting the word "extra" in lieu thereof.

Journal, as amended, approved.

The President made the following announcement of appointments:

Porters—Cotter, McDonald, Collins, Ferguson; Johnson, Rear Porter.

Pages—Henry Durner, David M. Foltze, Grove D. Deal, Ed. D. Brown.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly is in session, pursuant to the proclamation of his Excellency the Governor, dated March twenty-fourth, A. D. eighteen hundred and eighty-one, and ready for the transaction of legislative business.

G. E. MCSTAY, Chief Clerk.

REPORT OF COMMITTEE.

By Mr. Neumann:

SENATE CHAMBER, SACRAMENTO, April 5, 1881.

To the President of the Senate:

Your Committee on Rules respectfully report that the rules of the last session be adopted, with amendments to Rule One, Rule Three, Rule Seven, Rule Twenty-three, and Rule Fifty-one, as noted in the printed rules accompanying this report.

NEUMANN, Chairman.

1.

Opening of the Daily Sessions.

The Senate shall meet at ten o'clock A. M. (Sundays excepted), and if any other hour be named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting. The session shall last until one o'clock P. M., unless such session be extended by the vote of a majority of the Senate.

3.

President pro tem.—His Powers and Privileges.

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

7.

The General File; its Hours—Special Order of Bills on File.

The General File shall be the special order for each day from two o'clock until four o'clock P. M., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of

the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

23.

Senators must Address the President.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave: and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken. No Senator shall speak after the roll call is ordered, if objection be made.

51.

All committees of the Senate shall report their action on all bills or matters referred to them within such time as the Senate may direct.

The question recurred upon the adoption of the amendments submitted by the committee.

Amendments to Rule One were lost.

Mr. Neumann offered the following amendment to Rule One:

Strike out the word "ten" in first line of Rule One, and substitute the word "eleven."

Lost.

Amendment to Rule Three.

Adopted.

Amendment to Rule Seven, by leave withdrawn by committee.

Amendment to Rule Twenty-three.

Adopted.

Amendment to Rule Fifty-one.

Adopted.

On motion of Mr. Neumann, the rules, as amended, were adopted.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, April 4, 1881. }

To the Senate of the State of California:

I herewith transmit to your honorable body the copy of an executive proclamation, calling an extra session of the Legislature, and accompanying message.

GEO. C. PERKINS, Governor.

Mr. Pardee moved that two thousand copies of the accompanying message be printed.

So ordered.

Mr. Chase moved that so much of the message as referred to the appointment of a commission to revise the laws, be referred to the Judiciary Committee, with instructions to report by resolution, or otherwise.

So ordered.

RESOLUTIONS.

By Mr. Zuck:

Resolved. That a clerk be appointed for each of the following named committees: Apportionment, Roads and Highways, Finance; at the per diem allowed by law, payable out of the appropriation for contingent expenses of the Senate. Said clerks to serve on all other committees the Senate may require in the transaction of its business, without further compensation.

Adopted.

By Mr. Enos:

Resolved, That the Secretary of State be and is hereby requested to furnish the Senate with the official census of eighteen hundred and eighty of the State of California of each county, of the townships and wards of the cities of the State, and all other official information in his possession relating to the same.

Mr. Baker moved to lay the resolution upon the table.

Upon which the ayes and noes were demanded by Messrs. Enos, Cheney, and Gorman, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Cheney, Conger, Hill, Johnson, Lampson, and Neumann—9.

NOES—Messrs. Anderson, Brown, Carlock, Chase, Davis, Enos, George, Glascock, Gorman, Harlan, Hittell, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—27.

Lost.

Resolution adopted.

By Mr. Johnson:

Resolved, That so much of the Governor's message as refers to the division of the State into Congressional Districts be referred to the Judiciary Committee, with instructions to examine into the constitutionality of an alternative Act as suggested in said message, and report their opinion thereupon as speedily as possible.

Adopted.

By Mr. Langford:

Resolved, That the Committee on Roads and Highways be increased by the addition of six members.

Adopted.

By Mr. Rowell:

Resolved, That the Journal Clerk be directed not to enter the minutes upon the Journal until after the printed Journals have been placed on the desks of the Senators, read by the Secretary, amended, and approved.

Lost.

Mr. Johnson moved to adjourn, upon which the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Hill, Hittell, Johnson, Johnston, Neumann, Pool, Ryan, Satterwhite, Traylor, Watson, and West—19.

NOES—Messrs. Anderson, Conger, Enos, George, Glascock, Gorman, Harlan, Kane, Kelly, Moreland, Nye, Pardee, Rowell, Wendell, and Zuck—15.

Carried.

ADJOURNMENT.

At twelve o'clock and five minutes P. M., the Senate adjourned until ten o'clock A. M. to-morrow.

IN SENATE.

SENATE CHAMBER,
Wednesday, April 6, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

By Mr. Enos: Senate Bill No. 1—An Act to add nine new sections to the Political Code, to be numbered sections two thousand six hundred and eighty-nine, two thousand six hundred and ninety, two thousand six hundred and ninety-one, two thousand six hundred and ninety-two, two thousand six hundred and ninety-three, two thousand six hundred and ninety-four, two thousand six hundred and ninety-five, two thousand six hundred and ninety-six, and two thousand six hundred and ninety-seven, relating to roads and highways.

Read for information.

Mr. Hittell moved its indefinite postponement.

Mr. Enos moved, as an amendment, that it be referred to the Committee on Roads and Highways.

Mr. Baker raised the point of order that the bill does not purport to be a general road law, and does not come, therefore, within the provisions of the Governor's proclamation, which calls for the enactment of a general road law; and thus, not belonging to any of the classes of legislation for which the Legislature was convened, could not be considered, and was out of order.

The President ruled the point of order well taken.

Mr. Johnson appealed from the ruling of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

The roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, George, Hill, Hittell, Hudson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Traylor, Watson, Wendell, and Zuck—19.

NOES—Messrs. Anderson, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Johnson, Kane, Kelly, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—18.

Decision of Chair sustained.

COMMUNICATION FROM SECRETARY OF STATE.

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }
SACRAMENTO, April 5, 1881.

To Hon. John Mansfield, President of the Senate:

SIR: Herewith find statement showing population of the State of California, according to returns from the United States Census Office.

The following includes Chinese and Japanese.

	Total.	Males.	Females.	Native.	Foreign.	White.	Colored.
Alameda	62,972	34,679	28,293	40,229	22,743	57,787	5,185
Alpine	539	383	156	314	225	521	18
Amador	11,386	7,218	4,168	7,459	3,927	9,932	1,454
Butte	18,721	12,754	5,967	12,491	6,230	14,273	4,448
Calaveras	9,094	5,985	3,109	5,745	3,349	7,833	1,261
Colusa	13,118	8,513	4,605	10,197	2,921	11,703	1,415
Contra Costa	12,525	7,603	4,922	8,135	4,390	11,712	813
Del Norte	2,584	1,774	810	1,749	835	1,731	853
El Dorado	10,685	7,088	3,597	6,973	3,712	8,878	1,807
Fresno	9,478	6,054	3,424	7,207	2,271	7,896	1,582
Humboldt	15,510	8,887	6,623	11,988	3,522	13,309	2,201
Inyo	2,928	1,863	1,065	2,247	681	2,198	730
Kern	5,601	3,708	1,893	3,764	1,837	4,563	1,038
Lake	6,596	3,832	2,764	5,537	1,059	5,340	1,256
Lassen	3,340	2,002	1,338	2,969	371	2,958	382
Los Angeles	33,379	18,486	14,893	26,138	7,241	31,699	1,680
Marin	11,325	7,910	3,415	6,318	5,007	9,793	1,532
Mariposa	4,339	3,009	1,330	2,508	1,831	3,397	942
Mendocino	12,800	7,530	5,270	10,393	2,407	11,187	1,613
Merced	5,656	3,890	1,856	3,958	1,698	5,021	635
Modoc	4,399	2,612	1,787	4,000	399	3,956	443
Mono	7,499	6,184	1,315	4,081	3,418	7,083	416
Monterey	11,302	6,656	4,646	8,637	2,665	10,648	634
Napa	15,235	7,873	5,362	9,024	4,211	12,151	1,084
Nevada	20,827	13,389	7,438	12,352	8,475	17,571	3,256
Placer	14,226	9,515	4,711	9,015	5,211	11,871	2,355
Plumas	6,180	4,404	1,776	3,697	2,483	4,764	1,416
Sacramento	34,391	21,387	13,004	21,897	12,494	28,926	5,465
San Benito	5,584	3,279	2,305	4,252	1,332	5,256	328
San Bernardino	7,786	4,351	3,435	6,699	1,087	6,990	796
San Diego	8,618	5,053	3,565	6,728	1,890	6,677	1,941
San Francisco	233,956	132,632	101,324	129,783	104,173	210,515	23,441
San Joaquin	24,354	14,800	9,554	17,187	7,167	21,999	2,355
San Luis Obispo	9,142	5,413	3,729	7,179	1,963	8,765	387
San Mateo	8,669	5,348	3,321	5,135	3,534	8,032	637
Santa Barbara	9,522	5,212	4,310	8,124	1,398	9,144	378
Santa Clara	35,039	20,073	14,966	23,618	11,391	32,111	2,925
Santa Cruz	12,801	1,248	5,553	9,638	3,163	12,084	717
Shasta	9,492	6,066	3,426	7,238	2,254	7,066	2,426
Sierra	6,623	4,740	1,883	3,457	3,166	5,338	1,285
Siskiyou	8,610	5,871	2,739	5,620	2,990	6,466	2,144
Solano	18,475	10,995	7,480	12,564	5,911	17,391	1,084
Sonoma	25,926	14,611	11,315	19,832	6,094	24,626	1,300
Stanislaus	8,751	5,605	3,146	6,725	2,026	8,186	565
Sutter	5,159	3,063	2,096	4,201	958	4,845	314
Tehama	9,302	5,901	3,401	7,558	1,744	8,231	1,071
Trinity	1,998	1,308	1,090	2,307	2,691	2,779	2,219
Tulare	11,281	6,542	4,739	9,891	1,390	10,757	524
Tuolumne	7,848	5,073	2,775	4,954	2,894	6,642	1,206
Ventura	5,073	2,865	2,208	4,153	920	4,850	223
Yolo	11,772	7,155	4,617	9,099	2,673	11,017	755
Yuba	11,270	7,369	3,901	7,012	4,258	8,805	2,465
Totals	864,686	518,271	346,415	572,006	292,680	767,266	97,420

Following shows population, exclusive of Chinese and Japanese, and including Indians not on reservations:

Alameda	58,573
Alpine	522
Amador	10,271
Butte	14,937
Calaveras	8,057
Colusa	12,147
Contra Costa	11,799
Del Norte	2,150
El Dorado	9,197
Fresno	8,774
Humboldt	15,263
Inyo	2,838
Kern	4,898
Lake	6,127
Lassen	3,290
Los Angeles	32,209
Marin	9,993
Mariposa	3,642
Mendocino	12,435
Merced	5,080
Modoc	4,383
Mono	7,140
Monterey	10,931
Napa	12,329
Nevada	17,822
Placer	12,030
Plumas	5,312
Sacramento	29,512
San Benito	5,342
San Bernardino	7,663
San Diego	8,389
San Francisco	212,165
San Joaquin	22,370
San Luis Obispo	8,954
San Mateo	8,074
Santa Barbara	9,296
Santa Clara	32,351
Santa Cruz	12,277
Shasta	8,156
Sierra	5,373
Siskiyou	7,049
Solano	17,480
Sonoma	25,020
Stanislaus	8,232
Sutter	4,893
Tehama	8,528
Trinity	3,052
Tulare	10,949
Tuolumne	7,043
Ventura	4,944
Yolo	11,166
Yuba	9,121
Total	789,557

POPULATION OF CITY AND COUNTY OF SAN FRANCISCO, INCLUDING CHINESE AND JAPANESE.

First Ward	9,736
Second Ward	14,350
Third Ward	3,991
Fourth Ward	19,247
Fifth Ward	1,501
Sixth Ward	13,715
Seventh Ward	8,874
Eighth Ward	21,035
Ninth Ward	16,899
Tenth Ward	29,547
Eleventh Ward	55,418
Twelfth Ward	39,640
Total	233,953

POPULATION OF SACRAMENTO CITY, INCLUDING CHINESE AND JAPANESE.

First Ward.....	3,612
Second Ward.....	4,006
Third Ward.....	5,006
Fourth Ward.....	6,892
Total.....	21,420

The foregoing is all the information in my possession regarding the census of California.

Very respectfully,

D. M. BURNS, Secretary of State.

On motion of Mr. Johnston, the usual number of copies of the communication were ordered printed.

INTRODUCTION OF BILLS.

By Mr. Johnson: Senate Bill No. 2—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Read first time, and referred to the Committee on Apportionment.

The President announced the following appointments on Committee on Roads and Highways, pursuant to resolution previously adopted: Messrs. Zuck, Rowell, Anderson, Dickinson, Wendell, and Johnston.

RESOLUTION.

By Mr. Cheney:

Resolved, That Senators Brown and George be and they hereby are added to the Committee on Roads and Highways.

Adopted.

On motion of Mr. Johnson, Senator Glascock was added to the Committee on Roads and Highways.

INTRODUCTION OF BILLS RESUMED.

By Mr. Johnson: Senate Bill No. 3—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years.

Read first time.

Mr. Johnston moved that the various portions of the bill relating to the several State institutions, be referred to the appropriate committees.

Lost.

Bill referred to the Committee on Finance.

By Mr. Byrnes: Senate Bill No. 4—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and

fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and

forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Read first time and referred to Committee on Roads and Highways.

By Mr. Gorman: Senate Bill No. 5—An Act to divide the State of California into Senatorial Districts, and provide for the election of Senators therein.

Read first time, and referred to Committee on Apportionment.

ADJOURNMENT.

On motion of Mr. Johnson, at twelve o'clock and ten minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Thursday, April 7, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

RESOLUTIONS.

Mr. Baker offered the following resolution:

Resolved, That the Committee on Roads and Highways be and are hereby directed to report back to-morrow morning Senate Bill No. 4.

Mr. Johnson moved to lay the resolution upon the table.
Carried.

Mr. Baker moved to adjourn.

Lost.

By Mr. Enos:

Resolved, That that part of the Governor's proclamation convening the Legislature in extra session, issued on the twenty fourth day of March, eighteen hundred and eighty one, fixing the period of twenty days for said extra session, be referred to the Judiciary Committee, requesting said committee to report to the Senate: first, if the Legislature is limited to said twenty days; second, if the members are legally entitled to compensation beyond said twenty days if they continue the session for a longer period.

Mr. Neumann moved to lay the resolution upon the table.

Carried.

By Mr. Enos:

Resolved, That the Committee on Apportionment be increased by the addition of four members thereto.

Mr. Zuck moved to lay the resolution upon the table.

Lost.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Zuck, Neumann, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Pool, Rowell, Ryan, Satterwhite, and West—17.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Lampson, Nye, Pardee, Traylor, Watson, Wendell, and Zuck—21.

Resolution lost.

Mr. Enos asked leave to resign from serving on the Committee on Apportionment.

Mr. Johnson moved that the resignation be accepted.

Mr. Pardee moved to lay the motion on the table.

Lost.

Upon the adoption of the motion of Mr. Johnson, a division of the vote was demanded, and the resignation of Mr. Enos was accepted by the following vote: Ayes, 24; noes, 11.

Mr. Carlock moved that Mr. Gorman be added to the Committee on Apportionment to fill the vacancy occasioned by the resignation of Mr. Enos.

Carried.

INTRODUCTION OF BILLS.

By Mr. Johnson: Senate Bill No. 6—An Act to divide the State of California into Congressional Districts.

Read first time, and referred to the Committee on Apportionment.

Mr. Johnson moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Johnson, Baker, and Conger, and the roll was called, with the following result:

AYES—Messrs. Burt, Carlock, Chase, Conger, Davis, Gorman, Hill, Hittell, Hudson, Lampson, Nye, Rowell, Traylor, Watson, and West—15.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Cheney, Dickinson, Enos, George, Harlan, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Pool, Ryan, Satterwhite, Wendell, and Zuck—22.

Motion lost.

ADJOURNMENT.

On motion of Mr. Johnson, at eleven o'clock and ten minutes the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Friday, April 8, 1881. }

The Senate met pursuant to adjournment.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messes, Anderson, Baker, Bart, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Menckert, Neumann, Nye, Parlee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

By Mr. Watson: Senate Bill No. 7—An Act to divide the State of California into Congressional Districts.

Read first time and referred to Committee on Apportionment.

By Mr. Gorman: Senate Bill No. 8—An Act entitled an Act to divide the State of California into Assembly Districts, and provide for the election of Assemblymen therein.

Read first time and referred to Committee on Apportionment.

REPORT OF COMMITTEE.

By Mr. Byrnes:

SENATE CHAMBER, SACRAMENTO, April 8, 1881.

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 4, have had the same under consideration, report the same back with amendments, and recommend its passage as amended.

BYRNES, Chairman.

SECOND READING OF BILLS.

Senate Bill No. 4—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand

six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four,

two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Read second time.

AMENDMENTS OF COMMITTEE CONSIDERED.

Mr. Dickinson moved that the vote by which committee amendment to section two thousand six hundred and twenty-five was adopted be reconsidered.

So ordered.

Mr. Sears offered the following amendment: In line two, section two thousand six hundred and twenty-five, after the word "side," insert the words "of said highway."

Mr. Dickinson offered the following amendment, as a substitute for all amendments offered to section two thousand six hundred and twenty-five: Amend section two thousand six hundred and twenty-five by inserting, after the word "trees," in line two, the words "in and along said highway."

Adopted.

Mr. Enos offered the following amendment: Amend section two thousand six hundred and twenty-five by inserting in line five, after the word "whoever" the word "maliciously."

Lost.

Mr. Sears offered the following amendment: Amend section two thousand six hundred and twenty-eight by striking out the word "may" in line one, and inserting the word "shall."

Mr. Wendell offered as a substitute for the entire section two thousand six hundred and twenty-eight, the following:

2628. A Road Overseer shall be elected in each road district at the general election in eighteen hundred and eighty-two, and every two years thereafter, who shall hold office for two years, commencing on the first Monday in January next ensuing after his election; *provided*, that Road Overseers now in office shall hold until the expiration of their terms, and any vacancies occurring or existing prior to said first Monday in January, eighteen hundred and eighty-three, shall be filled by appointment by the Board of Supervisors. The Road Overseer shall, under the direction of the Road Commissioners of his district, perform the duties hereinafter in this chapter specified.

Upon its adoption, the ayes and noes were demanded by Messrs. West, Carlock, and Dickinson, and the roll was called, with the following result:

AYES—Messrs. Enos, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Lampson, Moreland, Pool, Ryan, Sears, Wendell, and West—14.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, George, Glascock, Harlan, Hittell, Nye, Pardee, Rowell, Satterwhite, Watson, and Zuck—19.

The question recurring upon the adoption of amendment proposed by Mr. Sears, it was adopted.

Mr. Satterwhite offered the following: In section two thousand six hundred and twenty-eight, insert between the words "appoint" and "one," in line one, the words "without any petition."

Mr. Satterwhite, by leave, temporarily withdrew his amendment.

Mr. Johnson moved to reconsider the vote by which the amendment of Mr. Sears was adopted.

Mr. Cheney was granted leave of absence for the remainder of the day.

Upon the motion to reconsider, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Conger, George, Hill, Hittell, Hudson, Johnson, Johnston, Moreland, Nye, Pardee, Traylor, Watson, and Zuck—16.

NOES—Messrs. Burt, Brown, Carlock, Chase, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Lampson, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, and West—20.

Motion lost.

Mr. Ryan moved the following amendment: Amend section two thousand six hundred and twenty-seven by adding thereto the following: "Said Road Commissioner shall receive no compensation for performing the duties imposed on him by this Act."

Adopted.

Mr. Satterwhite moved the following amendment: Amend section two thousand six hundred and twenty-eight by adding thereto: "And if a vacancy at any time occurs in any district, the Supervisors may appoint without any petition."

Adopted.

Mr. Johnson moved to strike out all of section two thousand six hundred and twenty-seven after the word "districts."

RECESS.

The hour having arrived, pending the consideration of amendment proposed, the President declared a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The question recurred upon the motion of Mr. Johnson to strike out.

On motion of Mr. Ryan, leave of absence was granted to Mr. Nelson on account of sickness.

Mr. Conger moved the adoption of the following substitute for section two thousand six hundred and twenty-seven:

2627. The Board of Supervisors of the several counties shall divide their respective counties into suitable road districts, and shall see that all orders of said Boards pertaining to the roads of the several districts of said counties are properly executed by the Road Overseers of said districts.

Lost.

Motion of Mr. Johnson to strike out lost.

Mr. Nye moved the adoption of the following amendment: Amend on page five, section two thousand six hundred and twenty-seven, line two, printed bill, by inserting after the word "district" the following: "And may change the boundaries thereof."

Adopted.

Mr. Watson moved the adoption of the following amendment: Amend section two thousand six hundred and twenty-eight by striking out the word "shall" and inserting the word "may" therefor.

Mr. Davis raised the point of order that the amendment having already been voted down is out of order.

Mr. Watson withdrew his amendment, and offered instead the following: I move to amend section two thousand six hundred and twenty-eight by striking out the word "shall" in line one of said section, page five, printed bill, and insert in lieu thereof the words "may in their discretion."

Mr. Davis raised the same point of order as before.

Mr. Watson withdrew the amendment, and offered the following instead thereof: Insert after "shall" the words "when they deem it necessary" in the first line of section two thousand six hundred and twenty-eight.

Mr. Davis raised the same point of order to this amendment as before.

The President ruled the point of order not well taken.

Amendment adopted.

Mr. Hittell moved the adoption of the following amendment: Amend section two thousand six hundred and twenty-eight by adding the words "or any" after the word "each" in line two.

Adopted.

Mr. Rowell offered the following amendment, and moved its adoption: Amend section two thousand six hundred and eighteen, line three, by adding thereto the words: "Or that have been used, or shall hereafter be used as public highways for five years."

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Hill, Hittell, Johnson, Moreland, Nye, Pool, Rowell, Sears, Wendell, West, and Zuck—15.

NOES—Messrs. Baker, Burt, Chase, Conger, Davis, Dickinson, George, Glascock, Harlan, Hudson, Johnston, Kane, Lampson, Neumann, Pardee, Ryan, Satterwhite, and Watson—18.

Amendment lost.

Mr. Rowell offered the following amendment, and moved its adoption: Add to subdivision four of section two thousand six hundred and twenty-nine, the words, "or, when necessary, from the General Road Fund."

Lost.

Mr. Glascock moved the adoption of the following amendment: Strike out the words in subdivision ten, section two thousand six

hundred and twenty-nine, "and draw warrants," and insert "all claims."

Adopted.

Upon the adoption of committee amendment to section two thousand six hundred and thirty-one, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Chase, Dickinson, Glascock, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Satterwhite, and Zuck—19.
 NOES—Messrs. Burt, Byrnes, Carlock, Conger, Davis, George, Kane, Kelly, Ryan, Sears, Watson, Wendell, and West—13.

Amendment adopted.

Mr. Johnston moved the adoption of the following amendment: Amend section two thousand six hundred and thirty-one, line eleven, by adding after the word "him," the following: "Not to exceed one hundred days in any one year."

Mr. Johnson moved as an amendment to strike out "one hundred," and insert "seventy-five."

Mr. Johnston accepted the amendment of Mr. Johnson.

Upon the adoption of the amendment the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Glascock, Hill, Hittell, Hudson, Johnson, Johnston, Nye, Pardee, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—17.
 NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Dickinson, George, Harlan, Kane, Lampson, Moreland, Neumann, Sears, and Watson—15.

Amendment adopted.

Mr. Davis moved the adoption of the following amendment: Amend section two thousand six hundred and thirty-one, in line seven, subdivision four, by inserting after the word "reports" the following: "under oath."

Adopted.

Mr. Dickinson moved the adoption of the following amendment: Amend section two thousand six hundred and twenty-eight by inserting in line two, after "counties," the words "who shall hold office during the pleasure of the Board, and."

Adopted.

Mr. Baker moved the adoption of the following amendment: Amend section two thousand six hundred and thirty-two, in lines one and two, by striking out the words "property road tax collected from all sources," and insert in lieu thereof the words "General Fund;" and insert in line two, after the word "aggregate" the words "amount set apart for that fund."

Mr. Baker withdrew his amendment, and moved the adoption of the following: Amend section two thousand six hundred and thirty-two by striking out in line one, the word "may" and inserting the word "shall."

Adopted.

Mr. Rowell moved the adoption of the following amendment: Amend section two thousand six hundred and thirty-two, line two, by striking out the word "twenty" and inserting "forty."

Lost.

Mr. Wendell moved that section two thousand six hundred and thirty-three be temporarily passed until to-morrow.

Upon which a division of the vote was demanded, and the motion prevailed by the following vote: Ayes, 14; noes, 13.

Mr. Wendell moved the adoption of the following amendment: Amend section two thousand six hundred and thirty-four, line one, by striking out the words "prior to," and inserting the word "at."

Adopted.

The Secretary was instructed to insert in line four, section two thousand six hundred and thirty-four, the word "poll" after the word "road."

Mr. Dickinson moved that section two thousand six hundred and thirty-seven be passed for the day.

So ordered.

INTRODUCTION OF BILLS.

By Mr. Johnson: Senate Bill No. 9—An Act to divide the State of California into Senatorial Districts.

Read first time and referred to Committee on Apportionment.

REPORT OF COMMITTEE.

By Mr. Wendell:

MR. PRESIDENT: The Judiciary Committee, to whom was referred the following resolution:

Resolved, That so much of the Governor's message as refers to the division of the State into Congressional Districts be referred to the Judiciary Committee, with instructions to examine into the constitutionality of an alternative Act as suggested in said message, and report their opinion thereupon as speedily as possible.

Have considered the same, and respectfully report that such an Act would be constitutional and valid. The power of the Legislature to pass an Act conditional to take effect upon the happening of a future event is undoubted, and upon the happening of a future event the Act will take effect, and not otherwise: the restriction being that the Legislature must itself determine as to the expediency of the Act, and not delegate that question to others, which would be a delegation of legislative power. In other words, it must determine for itself that if the event happens the Act is expedient, and if it does not happen it is not expedient.

The passage of an Act dividing the State into Congressional Districts, and providing for six in case it shall be entitled to six Congressmen, and into five provided it shall only be entitled to five, would be a legislative declaration that if the State shall be entitled to six Congressmen it is expedient to have six Congressional Districts, and if but five, then five, the wisdom of which would hardly be doubted.

For authorities we refer to *Ex parte Wall*, 48 Cal. 279; *People v. Nully*, 49 Cal. 478; *Aurora v. U. S.*, 7 Cranch 382; and cases there cited.

All of which is respectfully submitted.

WENDELL, Chairman.

Mr. Pardee moved to adjourn.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Chase, Conger, Davis, Dickinson, Harlan, Hudson, Kelly, Lampson, Moreland, Pardee, Pool, Rowell, Ryan, and West—16.

NOES—Messrs. Baker, Bart, Brown, Carlock, Glascock, Hill, Hittell, Johnson, Johnston, Kane, Sears, Traylor, Watson, and Wendell—14.

Carried.

ADJOURNMENT.

At four o'clock and forty minutes P. M. the Senate adjourned until ten o'clock A. M. to-morrow.

IN SENATE.

SENATE CHAMBER,

Saturday, April 9, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Senators Harlan and Cheney were granted leave of absence for the day.

INTRODUCTION OF BILL.

By Mr. Johnson: Senate Bill No. 10—An Act to divide the State of California into Assembly Districts.

Read first time, and referred to Committee on Apportionment.

SECOND READING OF BILLS.

Senate Bill No. 4—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand

seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Mr. Johnson offered the following substitute section for section two thousand six hundred and thirty-seven, and moved its adoption:

Section 2637. The road poll tax herein provided for must not be levied or collected from the inhabitants of incorporated towns, or cities, which, by municipal authority, levy taxes for the streets and alleys thereof. Bridges crossing the line between incorporated cities or towns, and road districts, must be constructed by said cities or towns, and the Road Fund of the road districts into which such bridges reach, proportionately. Eighty per cent. of the property tax herein provided for, collected from incorporated cities or towns, must be paid by the Treasurer of the county as fast as collected to the Treasurer of the said incorporated cities or towns, and shall be applied by the Council or Board of Trustees or other legislative power of said cities or towns in repairing, maintaining, graveling, paving, or planking streets or alleys in said cities or towns.

Mr. Davis moved that the consideration of the pending section be temporarily passed, and that the substitute offered be referred to the Judiciary Committee, with instructions to report the same back on Monday morning.

Mr. Johnson moved as an amendment to insert Tuesday morning instead of Monday. Upon which a division of the vote was demanded, and the motion was lost by the following vote: Ayes, 12; noes, 14.

Upon the motion of Mr. Davis, a division of the vote was demanded, and the motion prevailed by the following vote: Ayes, 20; noes, 6.

Mr. Zuck offered the following amendment and moved its adoption: Amend section two thousand six hundred and forty-one, line two, page ten, by inserting before the word "Supervisors" the words "Chairman of the Board of."

Adopted.

Mr. Glascock moved the adoption of the following amendment: Amend section two thousand six hundred and forty-five by striking out all after the word "passes" in line two, and inserting as follows: "And the Surveyor shall receive a per diem of five dollars for the time occupied in running out and mapping the road, and making the plat and field notes, which must be filed before he receives his compensation."

Adopted.

Mr. Rowell offered the following amendment, and moved its adoption: Amend section two thousand six hundred and forty-three by inserting the word "resident" between the words "the" and "owners" in line four.

Adopted.

Mr. Johnson moved the adoption of the following amendment: Amend section two thousand six hundred and forty-six, line one, by striking out the words "on the coming in of the report," and insert the following: "At the next meeting after the filing of the report, or at the time when the report is filed, if then in session."

Adopted.

Mr. Moreland offered the following amendment, and moved its adoption: In section two thousand six hundred and forty-six, line four, insert after the word "neither" the words "can be found upon the land."

Mr. Dickinson offered the following as a substitute: In section two thousand six hundred and forty-six, line four, insert after the word "neither" as follows: "The owner, agent of the owner, or occupant, can be so notified by reason of non-residence, or other cause, then."

Adopted.

Mr. Wendell offered the following amendment, and moved its adoption: Amend section two thousand six hundred and forty-eight, by inserting in line six, after the word "provided" the following: "If an award is not accepted within ten days, it shall be deemed rejected."

RECESS.

Pending consideration of amendment, on motion of Mr. Dickinson, the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

The Senate reassembled at one o'clock and thirty minutes P. M. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Bart, Brown, Chase, Conger, Davis, Dickinson, Hill, Hittell, Hudson, Johnson, Kelly Lampson, Nye, Pardee, Rowell, Sears, Traylor, Wendell, and Zuck.

There being no quorum present, Mr. Johnson moved to adjourn, upon which the roll was called, with the following result:

AYES—Messrs. Chase, Johnson, and Kelly—3.

NOES—Messrs. Anderson, Bart, Brown, Conger, Davis, Dickinson, Hill, Hittell, Hudson, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Sears, Traylor, and Wendell—18.

Motion lost.

Quorum present.

Consideration of amendment submitted by Mr. Wendell resumed.

Mr. Wendell, by leave, withdrew his amendment.

Mr. Dickinson moved the following amendment: Amend section two thousand six hundred and forty-eight by striking out, in line one, the word "rejected," and insert in lieu thereof the words, "not accepted within ten days from the date of the award, it shall be deemed rejected."

Adopted.

Mr. Dickinson moved to strike out all of section two thousand six hundred and fifty after the period in line ten.

Mr. Sears moved as an amendment to strike out all of section two thousand six hundred and fifty after the period in line ten to and including the word "jurisdiction," in line twenty-nine.

Mr. Wendell offered as a substitute the following, and moved its adoption: "Private or by-roads may be opened for the convenience of one or more residents of any road district, in the same manner as public roads are opened, whenever the Board of Supervisors may, for like cause, order the same to be viewed and opened, the person for whose benefit the same is required paying the damages awarded to land owner, and keeping the same in repair."

Adopted.

President pro tem. presiding.

Leave of absence granted to Senators Pardee and Dickinson for the remainder of the day.

Mr. Johnson moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Brown, Byrnes, Carlock, Hittell, Johnson, Kane, Kelly, Moreland, Ryan, and Satterwhite—10.

NOES—Messrs. Anderson, Baker, Burt, Chase, Conger, Davis, Hill, Lampson, Nye, Rowell, Sears, Traylor, Wendell, West, and Zuck—15.

Lost.

Mr. Johnson moved that Senator Conger be permitted to introduce a resolution.

Upon which motion a division of the vote was demanded, and the motion prevailed by the following vote: Ayes, 17; noes, 7.

RESOLUTION.

By Mr. Conger:

Resolved, That each Senator be allowed the sum of twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Senate.

Read and referred to Committee on Contingent Expenses.

Upon the adoption of committee amendment to section two thousand six hundred and fifty-two, line three, to insert after the word "prepare," the words "and maintain," the ayes and noes were demanded by Messrs. Hill, Lampson, and Davis, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Hill, Kane, Lampson, Moreland, Rowell, Wendell, West, and Zuck—13.

NOES—Messrs. Brown, Byrnes, Conger, Davis, Glascock, Hittell, Johnson, Johnston, Kelly, Nye, Ryan, Satterwhite, Sears, and Traylor—14.

Amendment lost.

Mr. Davis moved to strike out section two thousand six hundred and fifty-two.

Mr. Johnson moved to adjourn until Monday, at two o'clock P. M.

Mr. Davis moved to amend by adjourning until ten o'clock A. M. on Monday, upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Chase, Conger, Glascock, Hill, Hittell, Johnson, Kane, Moreland, Ryan, Satterwhite, and Traylor—14.

NOES—Messrs. Baker, Burt, Brown, Davis, Johnston, Kelly, Lampson, Nye, Rowell, Sears, Wendell, West, and Zuck—13.

Carried.

ADJOURNMENT.

At two o'clock and fifty-five minutes P. M., the Senate adjourned until Monday, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, April 11, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Rowell, Ryan, Sears, Traylor, Wendell, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

REPORTS OF COMMITTEES.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, April 11, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, having had under consideration the mileage of the Lieutenant-Governor, Senators, and officers of the Senate, beg leave to report that they are respectively entitled to mileage as follows:

Names.		Miles. Amounts		Names.		Miles. Amounts.	
Lieutenant-Governor, as President of the Senate.....		936	\$95 60	Kane.....		168	\$16 80
Anderson.....		408	40 80	Kelly.....		168	16 80
Baker.....		240	24 00	Lampson.....		200	20 00
Burt.....		122	12 20	Langford.....		96	9 60
Brown.....		142	14 20	Moreland.....		314	31 40
Byrnes.....		218	21 80	Nelson.....		168	16 80
Carlock.....		550	55 00	Neumann.....		168	16 80
Chase.....		738	73 80	Nye.....		182	18 20
Cheney.....		372	37 20	Pardee.....		182	18 20
Conger.....		168	16 80	Rowell.....		338	33 80
Davis.....		102	10 20	Ryan.....		624	62 40
Dickinson.....		168	16 80	Pool.....		332	33 20
Enos.....		168	16 80	Satterwhite.....		1,176	117 60
George.....		142	14 20	Sears.....		192	19 20
Glascock.....		160	16 00	Traylor.....		168	16 80
Gorman.....		168	16 80	Watson.....		142	14 20
Harlan.....		40	4 00	Wendell.....		80	8 00
Hill.....		392	39 20	West.....		1,008	100 80
Hittell.....		168	16 80	Zuck.....		316	31 60
Hudson.....		96	9 60	James A. Orr, Secretary of Senate.....		372	37 20
Johnson.....		30	3 00	B. McNulty, Minute Clerk.....		168	16 80
Johnston.....				A. Wasson, Sergeant-at-Arms.....		392	39 20

JAS. C. ZUCK, Chairman.

Report adopted.

Also:

SENATE CHAMBER, SACRAMENTO, April 11, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.: "That each Senator be allowed the sum of twenty five dollars for contingent expenses, payable out of the Contingent Fund of the Senate"—have had the same under consideration, report back, and recommend that it be amended so as to read twenty dollars; and that the resolution as amended be adopted.

JAS. C. ZUCK, Chairman.

Mr. Davis moved to amend by making the amount fifteen dollars, upon which the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Davis, Enos, Gorman, Hudson, Johnston, Kane, Kelly, Rowell, Sears, Traylor, and Zuck—13.

NOES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Hill, Hittell, Johnson, Lampson, Moreland, and Ryan—13.

Lost.

Mr. Enos moved to make the amount five dollars instead of twenty dollars, upon which the roll was called, with the following result:

AYES—Messrs. Baker, Davis, Enos, Gorman, Kane, Kelly, and Zuck—7.

NOES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Rowell, Ryan, Sears, and Traylor—18.

Motion lost.

Upon the adoption of the report of the committee, the ayes and noes were demanded by Messrs. Johnson, Traylor, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Cheney, Conger, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Rowell, Sears, Traylor, and Zuck—16.

NOES—Messrs. Baker, Chase, Davis, Enos, Gorman, Johnson, Kane, Kelly, and Ryan—9.

Report of committee adopted.

INTRODUCTION OF BILLS.

By Mr. Sears: Senate Bill No. 11—An Act to divide the State into Congressional Districts.

Read first time and referred to Committee on Apportionment.

SECOND READING OF BILLS.

Consideration resumed of Senate Bill No. 4—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two

thousand seven hundred and one, two thousand seven hundred
 and two, two thousand seven hundred and three, two thousand seven
 hundred and five, two thousand seven hundred and six, two thousand
 seven hundred and seven, two thousand seven hundred and eight,
 two thousand seven hundred and nine, two thousand seven hundred
 and ten, two thousand seven hundred and eleven, two thousand
 seven hundred and twelve, two thousand seven hundred and thirteen,
 two thousand seven hundred and fourteen, two thousand seven hun-
 dred and twenty-four, two thousand seven hundred and twenty-five,
 two thousand seven hundred and twenty-six, two thousand seven
 hundred and twenty-eight, two thousand seven hundred and twenty-
 nine, two thousand seven hundred and thirty, two thousand seven
 hundred and thirty-one, two thousand seven hundred and thirty-two,
 two thousand seven hundred and forty-three, two thousand seven
 hundred and forty-four, two thousand seven hundred and forty-five,
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 dred and forty-seven, two thousand seven hundred and forty-eight,
 two thousand seven hundred and forty-nine, two thousand seven
 hundred and fifty, two thousand seven hundred and fifty-one, two
 thousand seven hundred and fifty-two, two thousand seven hundred
 and fifty-three, two thousand seven hundred and fifty-four, two
 thousand seven hundred and fifty-five, two thousand seven hundred
 and fifty-six, and two thousand seven hundred and fifty-seven, of an
 Act entitled an Act to establish a Political Code, approved March
 twelfth, eighteen hundred and seventy-two, relating to roads and
 highways, and to add fifty-five new sections to said Code, relating to
 roads and highways, to be numbered sections two thousand six hun-
 dred and eighteen, two thousand six hundred and nineteen, two
 thousand six hundred and twenty, two thousand six hundred and
 twenty-one, two thousand six hundred and twenty-two, two thousand
 six hundred and twenty-three, two thousand six hundred and twenty-
 four, two thousand six hundred and twenty-five, two thousand six
 hundred and twenty-seven, two thousand six hundred and twenty-
 eight, two thousand six hundred and twenty-nine, two thousand six
 hundred and thirty, two thousand six hundred and thirty-one, two
 thousand six hundred and thirty-two, two thousand six hundred and
 thirty-three, two thousand six hundred and thirty-four, two thousand
 six hundred and thirty-five, two thousand six hundred and thirty-
 six, two thousand six hundred and thirty-seven, two thousand six
 hundred and thirty-eight, two thousand six hundred and thirty-nine,
 two thousand six hundred and forty, two thousand six hundred and
 forty-one, two thousand six hundred and forty-two, two thousand six
 hundred and forty-three, two thousand six hundred and forty-four,
 two thousand six hundred and forty-five, two thousand six hundred
 and forty-six, two thousand six hundred and forty-seven, two thousand
 six hundred and forty-eight, two thousand six hundred and forty-
 nine, two thousand six hundred and fifty, two thousand six hundred
 and fifty-one, two thousand six hundred and fifty-two, two thousand
 six hundred and fifty-three, two thousand six hundred and fifty-four,
 two thousand six hundred and fifty-five, two thousand six hundred
 and fifty-six, two thousand six hundred and fifty-seven, two thousand
 six hundred and fifty-eight, two thousand six hundred and fifty-nine,
 two thousand six hundred and sixty, two thousand six hundred and
 sixty-one, two thousand six hundred and sixty-two, two thousand six
 hundred and sixty-three, two thousand six hundred and sixty-four,

two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Mr. Davis, by leave, withdrew his motion to strike out section two thousand six hundred and fifty-two, which was pending consideration at time of adjournment on Saturday.

Mr. Hittell offered the following amendment, and moved its adoption: Amend section two thousand six hundred and fifty-two, so as to read as follows:

2652. Whenever a highway is laid out to cross a railroad, canal, or ditch, and the right of way for such highway over such railroad, canal, or ditch, is obtained through the judgment of any Court, no damages must be awarded for the simple right to cross the same.

Mr. Zuck moved the following as an amendment to the substitute: Strike out the word "their" in line three, after the word "propose" and insert the words "the approaches to said;" and also strike out in lines three and four, the words "without danger or delay."

Lost.

Mr. Hittell's substitute lost.

Mr. Zuck offered the following amendment, and moved its adoption: Amend section two thousand six hundred and fifty-six by adding thereto the following: "Except, however, in cases of great emergency, by the unanimous consent of the whole Board they may proceed at once to replace or repair any and all structures, of whatever nature, without notice."

Adopted.

Mr. Sears moved the adoption of the following amendment: Amend section two thousand six hundred and fifty-six, line six, by striking out the word "none" and inserting "no paper is published in said county."

Adopted.

Mr. Johnston moved the adoption of the following amendment: Amend section two thousand six hundred and sixty-six by inserting after the word "thereon" in line two, of said section, the words "or drains water from his land upon any highway by means of ditches, or by dams."

Adopted.

Mr. Johnson moved the adoption of the following amendment: Add to section two thousand six hundred and sixty-six: "Any person, persons, or corporation, who shall be storing or distributing any water for any purpose, and shall permit the water to overflow any highway, shall, upon notification of the Road Overseer of the district when such overflow occurs, repair the damage occasioned by such overflow; and should such repair be not made forthwith by such person, persons, or corporation, said Road Overseer shall make such repairs, and recover the expense thereof from such person, persons, or corporation, in an action at law."

Adopted.

Mr. Johnston moved the adoption of the following amendment: Amend section two thousand six hundred and sixty-six by adding the following: "Or stakes out any animal, or pastures any stock, or allows any stock to run at large."

Lost.

Mr. Johnston moved to strike out, section two thousand six hundred and sixty-eight.

Upon which motion a division of the vote was demanded, and the motion to strike out was lost by the following vote: Ayes, 11; noes, 11.

Mr. Johnston moved to strike out in section two thousand six hundred and sixty-eight, line three, all after the word "forthwith."

Lost.

Mr. Lampson offered the following amendment, and moved its adoption: Strike out in line two "or other obstructions."

Lost.

Mr. Burt offered the following as a new section, and moved its adoption:

Section 2674. The Board of Supervisors shall have authority, whenever in their judgment the public interest so requires, to contract for and purchase any toll road or bridge in their respective county, the same to be paid for out of the County General Road Fund.

Lost.

Mr. Enos offered the following as a new section:

Section 2674. It shall not be lawful for any person or persons to build or construct any road or bridge across any stream, creek, or channel which has been heretofore or now is navigable, and the Board of Supervisors of any county, or city and county, is hereby authorized and directed to cause to be removed any obstruction or bridge which now obstructs the navigation of any such stream, creek, or channel: *provided*, said Board may cause to be constructed so many draw-bridges across the same as in the opinion of said Board may be necessary.

Lost.

Mr. Wendell moved the adoption of the following as a new section:

2674. No allowance shall be made, nor warrant drawn against any road fund, general or district, under the provisions of this chapter, unless there is money in the fund at the time, applicable to the payment thereof, sufficient to pay the same. Any allowance made, or warrant drawn contrary to the provisions of this section, shall be null and void.

Adopted.

Mr. Baker moved the adoption of the following amendment: Amend section two thousand six hundred and thirty-two by inserting in line two, after the word "not" the words "less than ten nor."

RECESS.

Pending consideration of the amendment, the hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. Johnston in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The question recurred upon the adoption of the amendment offered by Mr. Baker, to insert the words "less than ten nor."

Lost.

REPORT OF COMMITTEE.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, April 11, 1881.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred the question of the constitutionality of the amendment offered by Senator Johnson to section two thousand six hundred and thirty-seven of Senate Bill No. 4, relating to roads and highways, have considered the same, and report as follows:

The bill purports to be a general law relating to roads and highways, framed under the clause of the Governor's proclamation convening the Legislature, which authorizes it "to enact a general road law." The bill provides for a general property road tax, to be levied by the Board of Supervisors of the county. The proposed amendment provides that eighty per cent. of the amount thereof collected from incorporated cities or towns shall be paid to the Treasurer of such city or town, and applied by the Council, Board of Trustees, or other legislative power thereof, "in repairing, maintaining, graveling, paving, or planking streets or alleys in said cities or towns." This we believe to be in conflict with section twelve, of article eleven, of the Constitution, which forbids the Legislature to exercise directly the taxing power upon counties, cities, towns, or other municipalities, for county, city, town, or other municipal purposes, and requires that power to be vested in the corporate authorities thereof. Under this section the Legislature cannot vest in the legislative power of a county the power to levy taxes upon an incorporated city or town, for city or town purposes. It is not permitted to exercise the power itself, nor to vest it anywhere save in the authorities of the community affected thereby. The Constitution recognizes in its broadest extent the principle of local self government. It provides for the incorporation of cities and towns, which shall have full control of their local affairs. The care and improvement of the streets and alleys of an incorporated city or town is a matter of domestic concern, which properly falls within the province of the municipal authorities. The term "roads" does not include "streets" or "alleys." The term "highways," in a certain sense, is sometimes held to include them, but in its ordinary and usual acceptation it does not. The manner in which streets and alleys shall be opened, repaired, maintained, and improved is provided for in the charters and acts of incorporation of the various cities and towns of the State. Most, if not all of them, authorize the levy of taxes for that purpose. It would be an anomaly for a city to levy taxes for the maintenance of its streets and alleys, and for the county to do the same thing. The subject-matter could hardly fall within the domain of both. The committee are of the opinion that the subject-matter of the amendment—the repairing and maintenance of the streets and alleys of incorporated cities and towns—does not come within the limits of "a general road law," as specified in the Governor's proclamation: that it is a different subject-matter from that of "roads and highways," which is specified in the title as the subject of the Act, and, if adopted, would make the bill objectionable as embracing more than one subject: and further, that it is in conflict with section twelve of article eleven of the Constitution.

WENDELL, Chairman, for the majority.

Mr. Hill moved that the vote whereby the word "may" was stricken out, and the word "shall" was inserted in section two thousand six hundred and thirty-two, be reconsidered.

Carried.

Upon the amendment offered to change the word "may" to "shall" in section two thousand six hundred and thirty-two, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Cheney, Davis, Glascock, Lampson, Wendell, and Zuck—9.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Conger, Dickinson, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Moreland, Pardee, Rowell, Ryan, Sears, Traylor, and Watson—22.

Amendment lost.

Mr. Dickinson moved the adoption of the following amendment: Amend section two thousand six hundred and thirty-three, by striking out lines one and two of printed bill, and insert in lieu thereof as follows: "Every male person in a road district, over twenty-one and under fifty-five years of age, who has not paid the same in some other road district, must pay a commutation fee or road

poll-tax of two dollars, annually, which," and add to present section, "*Provided*. That any person may work out his commutation fee, or road poll tax, by two days' work, under the direction of the Road Overseer." Also insert, in line three, after the word "be," the words, "levied by the Boards of Supervisors and."

On motion of Mr. Dickinson, section two thousand six hundred and thirty-three was passed temporarily.

Mr. Rowell moved the adoption of the following amendment: Amend section two thousand six hundred and nineteen to read as follows: "Whenever the franchise for any toll bridge, trail, turnpike, plank, or common wagon road has expired by limitation or non-user, such bridge, trail, turnpike, plank, or common wagon road becomes a free public highway; and no claim shall be valid against the public for right of way, or for the land, or material comprising such bridge, trail, turnpike, plank, or common wagon road. All public highways once established shall continue to be public highways until abandoned by order of the Board of Supervisors of the county in which they are situated."

Adopted.

Mr. Conger moved the adoption of the following amendment: "In case all parties owning lands on the line of said road do not agree or consent as to the location of said by-road, and it shall satisfactorily appear to said Board of Supervisors that there be no reasonable way in which the petitioner or petitioners can gain access to the public highway or public schools of his or their district, other than by passage across the land of said non-consenting owner or owners, the same measures shall be taken, and the same law shall apply as provided in this code for the location and establishment of public highways; *provided*, that said road shall only be opened for the use of petitioner or petitioners, and that in all cases where private roads are established or located it shall be upon the condition that said petitioner or petitioners shall pay all damages awarded, costs of locating and maintaining the same, and shall erect all necessary gates and bridges, and shall keep said road, bridges, and gates in good repair."

Lost.

Mr. Hittell moved the adoption of the following amendment: Amend section two thousand six hundred and nineteen by adding thereto the words: "Or by operation of law or judgment of a Court of competent jurisdiction."

Adopted.

Mr. Watson offered the following amendment: Amend section two thousand six hundred and thirty-nine, line one, by striking out the word "ten" and insert therefor the word "five."

Adopted.

Mr. Enos moved the adoption of the following amendment: Strike out the words "or standing" in line two, section two thousand six hundred and seventy-one.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Ryan, West, and Zuck—18.

NOES—Messrs. Anderson, Baker, Byrnes, Carlock, Davis, Dickinson, Hill, Hittell, Lampson, Pardee, Rowell, Sears, T aylor, Watson, and Wendell—15.

Carried.

Mr. Watson offered the following amendment, and moved its adoption:

Amend section two thousand six hundred and twenty-seven by adding after the word "executed," in line five, the following: "*Provided*, that in districts where no Road Commissioner is appointed by the Board of Supervisors, the Supervisor of such district shall be allowed for his services as Road Commissioner the sum of two dollars and fifty cents per diem, and ten cents a mile for traveling expenses; the amount of such compensation not to exceed two hundred and fifty dollars in one year in any road district."

Lost.

Mr. Carlock moved to reconsider the vote whereby section two thousand six hundred and seventy-four was adopted.

Upon which motion the roll was called, with the following result:

AYES—MESSRS. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Gorman, Johnson, Johnston, Kelly, Langford, Pardee, Pool, Ryan, Sears, and Watson—19.

NOES—MESSRS. Baker, Burt, Davis, Glascock, Hill, Hudson, Kane, Moreland, Rowell, Wendell, West, and Zuck—12.

Carried.

The question now recurred upon the adoption of section two thousand six hundred and seventy-four, offered by Mr. Wendell.

Upon which the roll was called, with the following result:

AYES—MESSRS. Baker, Burt, Davis, Glascock, Gorman, Hill, Hittell, Hudson, Kane, Lampson, Moreland, Rowell, Wendell, West, and Zuck—15.

NOES—MESSRS. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Johnson, Johnston, Kelly, Langford, Pardee, Pool, Ryan, Sears, and Watson—19.

Lost.

Mr. Dickinson (by leave) withdrew his pending amendment, passed temporarily, and offered the following substitute for section two thousand six hundred and thirty-three:

2633. Every male person in a road district, over twenty-one and under fifty-five years of age, who has not paid the same in some other road district, must pay a commutation fee or road poll tax of ——— dollars annually, which tax shall be levied by the Board of Supervisors, at the same time that they levy the annual property tax for road purposes: *provided*, that any person may work out his commutation fee or road poll tax by ——— days labor under the direction of the Road Overseer. Road Overseers, or in districts where there is no Road Overseer, the Supervisor who, as ex officio Road Commissioner who has charge of such district, must before said levy is made, make out a list of the persons in the road district liable for road poll tax, and add from time to time to such list the names of those omitted or who have come into the district since such list was made, and require of each the performance of the labor, or the payment of said commutation fee, and apply such labor or money in the opening, maintaining, and repair of the highways in their respective road districts. The Board of Supervisors must provide proper blank road poll tax receipts, to be signed by the Clerk of the Board, and must deliver to each Road Overseer or Road Commissioner a number equal to the number of persons in their respective districts liable for road poll tax, take receipts therefor, and charge the Overseer or Commissioner receiving the same therewith: and credit must be given to each Road Overseer or Road Commissioner for all blank road poll tax receipts returned to the Clerk of the Board.

Mr. Dickinson moved to fill the blank dollars by inserting "two."

Mr. Davis moved to amend by making it three dollars.

Upon which motion the roll was called, with the following result:

AYES—MESSRS. Brown, Carlock, Davis, Dickinson, Gorman, Johnston, Lampson, Langford, Pardee, Pool, Ryan, and West—12.

NOES—MESSRS. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Conger, Enos, George, Glascock, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Moreland, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—23.

Lost.

Mr. Dickinson's motion prevailed.

Mr. Wendell moved to fill the blank days' labor by inserting the word "one."

Mr. Cheney moved to adjourn.

Lost.

Upon the adoption of Mr. Wendell's motion, the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Cheney, Conger, Enos, George, Gorman, Johnson, Kane, Kelly, Pool, Wendell, West, and Zuck—14.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, Dickinson, Glascock, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Pardee, Rowell, Ryan, Sears, Traylor, and Watson—21.

Lost.

Mr. Dickinson moved to fill the blank by inserting two days, upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, Dickinson, Glascock, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Pardee, Rowell, Ryan, Sears, Traylor, and Watson—21.

NOES—Messrs. Baker, Byrnes, Cheney, Conger, Enos, George, Gorman, Johnson, Kane, Kelly, Pool, Wendell, West, and Zuck—14.

Carried.

Upon the adoption of the substitute for section two thousand six hundred and thirty-three, offered by Mr. Dickinson, the ayes and noes were demanded by Messrs. Johnson, Enos, and Glascock.

The roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, Dickinson, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Pardee, Rowell, Ryan, Sears, Traylor, and Watson—20.

NOES—Messrs. Baker, Byrnes, Cheney, Conger, Enos, George, Glascock, Gorman, Johnson, Kane, Kelly, Pool, Wendell, West, and Zuck—15.

Substitute adopted.

ADJOURNMENT.

On motion of Mr. Cheney, at five o'clock p. m. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, April 12, 1881.

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

RESOLUTIONS.

Mr. Sears moved the adoption of the following resolution:

Resolved, That the committees of the Senate be directed to report all bills referred to them to the Senate to-morrow morning.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Davis, Dickinson, Enos, George, Glasecock, Harlan, Hill, Hittell, Hudson, Kane, Lampson, Langford, Neumann, Ryan, Sears, Wendell, and Zuck—21.

NOES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Gorman, Johnson, Kelly, Moreland, Nye, Pardee, Pool, Rowell, Traylor, Watson, and West—16.

Adopted.

SECOND READING OF BILLS.

Consideration resumed of Senate Bill No. 4—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-

nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Mr. Dickinson offered the following amendment, and moved its adoption: Amend section two thousand six hundred and fifty-five by striking out in lines four and five the words: "or out of the General County Fund, or both."

Adopted.

Mr. Langford offered the following amendment, and moved its adoption: Strike out all of section three, page sixteen, and insert the following in lieu thereof:

All Acts or parts of Acts concerning roads and highways are hereby repealed: *provided*, that any proceeding, commenced before this Act takes effect, for the alteration, establishment, or abandonment of any road or highway, shall be conducted under the provisions of the law under which said proceedings were commenced.

Adopted.

Mr. Ryan offered the following amendment, and moved its adoption: Amend section two thousand six hundred and thirty-one, by adding thereto: "Road Overseers shall receive fifteen per cent. on all moneys collected by them as road poll tax, and no per diem for the time spent in making such collections."

Adopted.

Mr. Johnson now called up his amendment, reported upon yesterday by the Judiciary Committee, and by leave withdrew it, and offered the following instead thereof, and moved its adoption: Strike out section two thousand six hundred and thirty-seven, and insert in lieu thereof as follows:

2637. Each incorporated city or town shall constitute and be organized by the Board of Supervisors of the county where situate into a road district; and eighty per cent. of all the taxes collected under the provisions of this Act, in all such cities or towns, must be paid by the Treasurer of the county, as fast as collected, into the treasury of such city or town, and shall be applied by the proper authorities of such city or town upon the public highways therein.

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Langford, Moreland, Pool, Ryan, and West—19.
 NOES—Messrs. Chase, Conger, Davis, Hill, Hittell, Kane, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—16.

Adopted.

Mr. Johnson moved the adoption of the following amendment: Amend section two thousand six hundred and forty-four by adding after the word "road," in line five of said section, page nine, printed bill, the words "provided that no damages shall be awarded for the construction of fences."

Upon which the roll was called, with the following result:

AYES—Messrs. Hill, Johnson, Johnston, Kane, Rowell, and West—6.
 NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hittell, Hudson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, Wendell, and Zuck—26.

Amendment lost.

Mr. Enos (by request) moved a reconsideration of the vote by which the amendment of Mr. Johnson to section two thousand six hundred and thirty-seven was adopted.

President pro tem. presiding.

RECESS.

Pending consideration of the motion offered by Mr. Enos, the hour having arrived, the President pro tem. declared a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Leave of absence granted to Senator Traylor until Friday noon.

RESOLUTION.

By Mr. Zuck:

Resolved, That the Lieutenant-Governor be allowed the same amount for contingent expenses as allowed the members, payable out of the Contingent Fund of the Senate.

Adopted.

REPORT OF COMMITTEE.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, April 11, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage having had under consideration the sums due the temporary officers rendered in the organization of the present Senate, beg leave to report that B. McNulty is entitled to one day's per diem for services rendered as Minute Clerk; and the committee recommend that a warrant be drawn in his favor for the sum of eight dollars, payable out of the appropriation for the contingent expenses of the Senate.

ZUCK, Chairman.

Report adopted.

The question recurred upon the motion of Mr. Enos to reconsider the action of the Senate upon section two thousand six hundred and thirty-seven.

Upon which the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Chase, Conger, Davis, Dickinson, Enos, Hill, Hittell, Hudson, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, and Zuck—21.

NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Glascock, Gorman, Harlan, Johnson, Kane, Kelly, Pool, Ryan, and West—14.

Motion carried.

Upon the adoption of Mr. Johnson's amendment to section two thousand six hundred and thirty-seven, the ayes and noes were demanded by Messrs. Johnson, Chase, and Enos, and the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Glascock, Gorman, Harlan, Johnson, Kelly, Pool, Ryan, and West—13.

NOES—Messrs. Baker, Burt, Chase, Conger, Davis, Dickinson, Enos, George, Hill, Hittell, Hudson, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, and Zuck—23.

Amendment lost.

During roll call, Mr. Johnston stated that he was paired with Mr. Traylor—he would vote aye, and Mr. Traylor would vote no.

A communication was received from the Governor, which, on

motion, was made the special order for to-morrow, immediately after the reading of the Journal.

Mr. Zuck moved the adoption of the following amendment to the pending bill: Strike out all of section two thousand six hundred and thirty-seven, and substitute instead the following:

2637. The Board of Supervisors are hereby authorized and directed, by proper order in that behalf, to turn over to the corporate authorities of any incorporated city or town in the county fifty per cent. of all road taxes collected within the corporate limits of such town or city. All moneys so turned over shall be used by the corporate authorities of such city or town exclusively in the improvement of the highways therein. The Board of Supervisors shall fix the amount of money to be turned over under this section by proper order, and shall order the proper warrants drawn therefrom in favor of the proper authorities of such town or city.

Mr. Kane moved a call of the Senate, upon which a division of the vote was demanded, and the motion failed by the following vote: Ayes, 11; noes, 16.

Upon the adoption of the amendment offered by Mr. Zuck, the roll was called, with the following result:

AYES—Messrs. Anderson, Cheney, Glascock, Gorman, Harlan, Johnson, Johnston, Kelly, Langford, Rowell, Ryan, and Zuck—12.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Enos, George, Hill, Hittell, Hudson, Kane, Lampson, Moreland, Nye, Pardee, Sears, Wendell, and West—21.

Amendment lost.

Pending the call of the roll, Mr. Watson stated he was paired with Senator Pool.

Mr. Hittell moved the adoption of the following amendment: Amend section two thousand six hundred and thirty-three by adding thereto as follows: "For the purpose of collecting road poll taxes the Road Overseer, or in case there is no Road Overseer, the Road Commissioner, is hereby invested with the same powers and authority as the collector of State poll taxes; and all the remedies given by law for the collection of State poll taxes shall apply to and be in force for the collection of road poll taxes."

Adopted.

Mr. Zuck moved the adoption of the following amendment: "The Clerk of the Board of Supervisors shall include in the minutes of the Board of Supervisors all proceedings of the Board relative to each road district, including orders for laying out, altering, and opening roads; he must also keep a Road Register, in which must be entered the number and name of each road, a general reference to its terminal points and course, also the date of the filing of the petition or other papers, a memorandum of every subsequent proceeding in reference to it, with the date thereof, and the folio, and volume of the minute book where it is recorded."

Adopted.

Mr. Sears moved to strike out fifty-five years, and insert sixty.

Lost.

Mr. Glascock moved the adoption of the following amendment: Amend section two thousand six hundred and thirty-eight by inserting the word "poll" between the words "road" and "tax," wherever they occur.

Adopted.

Mr. Glascock moved the adoption of the following amendment: Add to section two thousand six hundred and thirty-nine the following: "Provided, that when a road is petitioned for upon the dividing

line between two counties, the same course shall be pursued as in other cases, except that a copy of the petition shall be presented to the Board of Supervisors of each county, who shall appoint viewers to act jointly, and report to their respective Boards the action of such viewers; *provided further*, that all such roads shall be at least forty feet wide."

Adopted.

President pro tem. presiding.

Mr. Burt moved the adoption of the following: A new section is hereby added, to be known as section two thousand six hundred and seventy-four, as follows:

2674. The Board of Supervisors shall have authority, whenever in their judgment the public interest so requires, to contract for and purchase any toll road or toll bridge in their respective county, the same to be paid for out of the County General Road Fund.

Mr. Burt withdrew his motion, temporarily.

Mr. Nye moved the adoption of the following amendment—substitute for section three:

Sec. 3. All laws concerning roads and highways in conflict with this Act, and all laws applicable to particular counties of this State concerning roads and highways, are hereby repealed; *provided*, that any proceedings commenced before this Act takes effect for the alteration, establishment, or abandonment of any road or highway, may be conducted under the provisions of the law under which said proceedings were commenced.

Upon its adoption, the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Davis, Dickinson, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Lampson, Moreland, Nye, Pardee, Rowell, Ryan, Sears, Watson, Wendell, West, and Zuck—26.

NOES—Messrs. Anderson, Conger, George, Johnson, Johnston, Kelly, and Langford—7.

Substitute adopted.

Mr. Hittell moved the adoption of the following amendment: Amend section two thousand six hundred and twenty-five by adding thereto as follows: "But nothing herein contained shall be construed to prevent or interfere with any lawful use of the highway."

Lost.

REPORT OF COMMITTEE.

By Mr. Johnson by leave:

MR. PRESIDENT: Your Committee on Apportionment, in pursuance of the resolution of the Senate, adopted April twelfth, eighteen hundred and eighty-one, report back as to all the bills in their possession, with the following recommendations:

Senate Bill No. 2.—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein—and recommend its passage.

Also, Senate Bill No. 5.—An Act to divide the State of California into Senatorial Districts, and to provide for the election of Senators therein—and recommend that it be rejected.

Also, Senate Bill No. 8.—An Act to divide the State of California into Assembly Districts, and provide for the election of Assemblymen therein—and recommend that it be rejected.

Also, Senate Bill No. 9.—An Act to divide the State of California into Senatorial Districts—and recommend that it be rejected.

Also, Senate Bill No. 10.—An Act to divide the State of California into Assembly Districts—and recommend that it be rejected.

We request that the committee be given further time to consider the other bills in their possession, which provide for dividing the State into Congressional Districts.

GROVE L. JOHNSON, Chairman.

Mr. Johnson moved that one week's further time be granted the Committee on Apportionment on the remainder of bills in the hands of said committee.

Mr. Dickinson moved as an amendment to make it until Monday morning.

Mr. Johnson accepted the amendment.

Mr. Sears moved to make it three days.

Upon which a division of the vote was demanded, and the motion lost by the following vote: Ayes, 12; noes, 18.

Mr. Dickinson's motion prevailed.

Senate Bill No. 4 resumed.

Mr. Hittell moved the adoption of the following amendments:

Amend the title, so as to read as follows:

An Act to repeal Chapter II, of Title VI, of Part III, of the Political Code, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways.

Adopted.

Amend the bill by striking out section one.

Adopted.

Amend the bill by striking out all the first twenty-eight lines of section two, on pages two and three of the printed bill, and inserting in place thereof as follows:

SECTION 1. Chapter II, of Title VI, of Part III, of the Political Code, and each and every section of said Chapter II are hereby repealed, and a new Chapter II, of Title VI, of Part III, of said Political Code, is hereby enacted and substituted in place of said repealed Chapter, to read as follows:

CHAPTER II.

HIGHWAYS.

ARTICLE I. ENUMERATION OF HIGHWAYS.

II. RULES AND RESTRICTIONS RESPECTING THE USE OF HIGHWAYS.

III. POWERS AND DUTIES OF HIGHWAY OFFICERS.

IV. HIGHWAY TAXES.

V. PERFORMANCE OF HIGHWAY LABOR AND COMMUTATION.

VI. LAYING OUT, ALTERING, AND DISCONTINUING ROADS.

VII. ERECTION AND MAINTENANCE OF BRIDGES.

VIII. OBSTRUCTIONS AND INJURIES TO HIGHWAYS.

ARTICLE I.

ENUMERATION OF HIGHWAYS.

SECTION 2618. What are highways.

2619. Origin of highways.

2620. Width of highways.

2621. Vacation of highways.

2622. Record of proceedings relating to roads and highways.

Adopted.

Amend the bill by inserting after section two thousand six hundred and twenty-two, on page four, printed bill, the following:

ARTICLE II.

RULES AND RESTRICTIONS RESPECTING THE USE OF HIGHWAYS.

SECTION 2631. The public easement.

2632. Adjoining owner may construct sidewalk.

2633. May plant trees.

And change figures 2623, 2624, and 2625, to figures 2631, 2632, and 2633.

Adopted.

Amend the bill by inserting after section two thousand six hundred and twenty-five, on page five, printed bill, the following:

ARTICLE III.

POWERS AND DUTIES OF HIGHWAY OFFICERS.

- SECTION 2641. Road districts.
 2642. Road Overseers.
 2643. Duties of Supervisors respecting roads.
 2644. Overseers to give bond and take oath.
 2645. Duties of Road Overseer.

And change figures 2627, 2628, 2629, 2630, 2631, to figures 2641, 2642, 2643, 2644, and 2645.

Adopted.

Amend the bill by inserting after section two thousand six hundred and thirty-one, on page seven, printed bill, the following:

ARTICLE IV.

HIGHWAY TAXES.

- SECTION 2651. General road fund.
 2652. Road poll tax.
 2653. Property highway tax.
 2654. Assessment and collection of property highway tax.
 2655. Taxes to be expended in districts.
 2656. Cities and towns not to pay tax.

And change figures 2632, 2633, 2634, 2635, 2636, and 2637, to figures 2651, 2652, 2653, 2654, 2655, and 2656.

Adopted.

Amend the bill by inserting after section two thousand six hundred and thirty-seven, on page eight, printed bill, the following:

ARTICLE V.

PERFORMANCE OF HIGHWAY LABOR AND COMMUTATION.

- SECTION 2671. Employers responsible for taxes assessed against employes.

And change figures 2638 to figures 2671.

Adopted.

Amend the bill by inserting after section two thousand six hundred and thirty-eight, on page eight, printed bill, the following:

ARTICLE VI.

LAYING OUT, ALTERING, AND DISCONTINUING ROADS.

- SECTION 2681. Who may apply for changes.
 2682. Petition.
 2683. Bond.
 2684. Viewers.
 2685. Duties of Viewers.
 2686. Report of Viewers.
 2687. Viewers and Surveyors, how paid.
 2688. Proceedings of Board in hearing report.
 2689. Effect of, and proceedings on approval of report.
 2690. Proceedings to procure right of way.
 2691. Private roads how opened.
 2692. Record of transfer of right of way.
 2693. Roads crossing railroads, canals, or ditches.
 2694. Fences to be removed, how.

And change figures 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, and 2653, on pages eight, nine, ten, eleven, and twelve, to figures 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, and 2694.

Adopted.

Amend the bill by inserting, after section two thousand six hundred and fifty-three, on page thirteen, printed bill, the following:

ARTICLE VII.

ERECTION AND MAINTENANCE OF BRIDGES.

- SECTION 2711. Bridges, how maintained, and by whom.
 2712. When aid may be given by county for bridge.
 2713. Construction and repair of bridges to be let out by contract.
 2714. When one Overseer fails to act, who may repair bridge.
 2715. Semi-annual meetings for highway and bridge purposes.

And change figures 2654, 2655, 2656, 2657, 2658, and 2659, on pages thirteen and fourteen, to 2711, 2712, 2713, 2714, and 2715.

Adopted.

Amend the bill by inserting, after section two thousand six hundred and fifty-nine, on page fourteen, printed bill, the following:

ARTICLE VIII.

OBSTRUCTIONS AND INJURIES TO HIGHWAYS.

- SECTION 2731. Removal of encroachments.
 2732. Notice to remove encroachment.
 2733. Penalty for neglect.
 2734. If encroachment denied, action for nuisance.
 2735. If encroachment not denied, how removed.
 2736. Penalty for leaving open gate or riding off the road.
 2737. Penalty for obstruction or injury.
 2738. Penalty for injuring mile-stone or guide-post.
 2739. Removal of fallen trees.
 2740. Unauthorized felling of trees.
 2741. Notice on bridges, and penalty for disregarding.
 2742. Destroying shade or ornamental trees.
 2743. Service of notices by publication on non-residents.
 2744. Application of moneys collected.
 2745. Separation of funds.

And change figures 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, and 2673, on pages fifteen, sixteen, and seventeen, to figures 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, and 2743.

Adopted.

Amend bill, on page sixteen, by inserting "section two" for "section three," and "section three" for "section four."

Mr. Wendell moved the adoption of the following amendment:
 Amend section two by adding the following:

2744. No part of the moneys collected from the poll or property road tax herein provided for in any fiscal year shall be applied to the payment of expenses incurred in any preceding year.

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Burt, Carlock, Cheney, Davis, Dickinson, Glasecock, Gorman, Harlan, Hill, Hudson, Johnston, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Baker, Byrnes, Chase, Conger, George, Hittell, Johnson, Kane, and Watson—10.

Adopted.

Mr. Wendell moved the adoption of the following amendment:
 Amend the bill by adding to section two the following:

2745. The General and District Road Funds provided for in this Chapter, shall be new and distinct funds, separate from any other existing at the time of the passage of this Act. All outstanding indebtedness against any existing road, or road and bridge fund, shall be funded by the Board of Supervisors in accordance with the provisions of section four thousand and forty-eight, and following sections of the Political Code, relating to the funding of county indebtedness: *provided*, that if the indebtedness be against any district fund, the Supervisors shall issue the bonds of such district therefor, and the tax to pay such bonds shall be levied upon the taxable property of the district only as constituted at the time such indebtedness was incurred.

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glasecock, Gorman, Harlan, Hill, Hudson, Johnston, Kane, Lamson, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Wendell, West, and Zuck—29.

NOES—Messrs. George and Johnson—2.

Amendment adopted.

Mr. Wendell moved the adoption of the following amendment: Amend section two thousand six hundred and twenty-eight by adding the following: If the Board does not appoint Road Overseers, the Road Commissioners within their respective districts shall perform the duties imposed on Road Overseers by the provisions of this Chapter.

Adopted.

Mr. Davis moved the bill be ordered engrossed and read third time.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lamson, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, Wendell, West, and Zuck—41.

NOES—Messrs. Johnson and Kane—2.

Carried.

Mr. Johnson was granted three days leave of absence.

ADJOURNMENT.

On motion of Mr. Pardee, at five o'clock and ten minutes p. m. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,)
Wednesday, April 13, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lamson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Cheney moved to take a recess until two o'clock P. M.
Carried.

RECESS.

At ten o'clock and ten minutes A. M., the President declared a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

SPECIAL ORDER—MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,)
SACRAMENTO, April 12, 1881. }

To the Senate of the State of California:

The terms of several appointed State officers will expire by constitutional and statutory limitation before the next meeting of the Legislature, and as their appointment requires the confirmation of your honorable body, I beg to submit the following names, and respectfully ask your consent to their appointment:

William H. Knight, Alameda County, State Harbor Commissioner, vice Blanding: term expires March eighth, eighteen hundred and eighty-two.

J. H. Neff, Placer County, State Prison Director, vice himself: term expires January twelfth, eighteen hundred and eighty-two.

John F. Kessing, San Francisco, Inspector of Gas Meters, vice himself: term expires April nineteenth, eighteen hundred and eighty-two.

Geo. A. Knight, San Francisco, Insurance Commissioner, vice Maynard: term expires April third, eighteen hundred and eighty-two.

John Martin, San Francisco, Port Warden, vice Austin: term expires January eighteenth, eighteen hundred and eighty-two.

J. West Martin, Alameda County, Regent of the University of California, vice himself: term expires March first, eighteen hundred and eighty-two.

B. B. Redding, San Francisco, Regent of the University of California, vice himself: term expires March first, eighteen hundred and eighty-two.

E. J. Crane, Alameda County, Trustee of the Deaf, Dumb, and Blind Asylum, vice himself: term expires January eighteenth, eighteen hundred and eighty-two.

GEORGE C. PERKINS, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of William H. Knight as State Harbor Commissioner, vice Blanding, term expires March eighth, eighteen hundred and eighty-two?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, George, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Chase, Glascock, Gorman, Moreland, Pool, Ryan, and Satterwhite—7.

Senator Harlan was excused from voting.

The President declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. H. Neff as State Prison Director, vice himself, term expires January twelfth, eighteen hundred and eighty-two?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Cheney, Conger, Davis, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuck—29.
 NOES—Messrs. Chase, Glascock, Moreland, Pool, and Ryan—5.

The President declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Jno. F. Kessing as Inspector of Gas Meters, vice himself, term expires April nineteenth, eighteen hundred and eighty-two?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuck—30.
 NOES—Messrs. Chase, Glascock, Moreland, Pool, and Ryan—5.

The President declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Geo. A. Knight as Insurance Commissioner, vice Maynard, term expires April third, eighteen hundred and eighty-two?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, Watson, Wendell, West, and Zuck—31.
 NOES—Messrs. Chase, Glascock, Moreland, and Ryan—4.

The President declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Jno. Martin as Port Warden, vice Austin, term expires January eighteenth, eighteen hundred and eighty-two?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—32.
 NOES—Messrs. Chase, Glascock, Moreland, and Ryan—4.

The President declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. West Martin as Regent of the University of California, vice himself, term expires March first, eighteen hundred and eighty-two?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—32.
 NOES—Messrs. Chase, Glascock, Moreland, and Ryan—4.

The President declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of B. B. Redding as Regent of the University of California, vice himself, term expires March first, eighteen hundred and eighty-two?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—32.
 NOES—Messrs. Chase, Moreland, and Ryan—3.

The President declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of E. J. Crane as Trustee of the Deaf, Dumb, and Blind Asylum, vice himself, term expires January eighteenth, eighteen hundred and eighty-two?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—32.
 NOES—Messrs. Chase, Moreland, and Ryan—3.

The President declared the appointment confirmed.

REPORT OF COMMITTEE.

By Mr. Pardee:

SENATE CHAMBER, SACRAMENTO, April 12, 1881.

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 3, beg leave to report it back, in pursuance to the resolution adopted by the Senate, April twelfth, eighteen hundred and eighty-one, without recommendation.

PARDEE, Chairman.

SECOND READING OF BILLS.

Senate Bill No. 2—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Read second time.

Mr. Johnson moved to strike out all after the enacting clause, and substitute therefor the following amendment:

SECTION 1. This State is hereby divided into forty Senatorial and eighty Assembly Districts, composed as follows, viz: The Counties of Siskiyou, Lassen, Shasta, and Modoc shall comprise the First Senatorial District.

SEC. 2. The Counties of Del Norte, Trinity, and Humboldt shall comprise the Second Senatorial District.

SEC. 3. The Counties of Mendocino and Lake shall comprise the Third Senatorial District.

SEC. 4. The Counties of Napa and Yolo shall comprise the Fourth Senatorial District.

SEC. 5. The Counties of Colusa and Tehama shall comprise the Fifth Senatorial District.

SEC. 6. The Counties of Plumas and Butte shall comprise the Sixth Senatorial District.

SEC. 7. The Counties of Yuba, Sutter, and Sierra shall comprise the Seventh Senatorial District.

SEC. 8. The County of Nevada shall comprise the Eighth Senatorial District.

SEC. 9. The Counties of Placer, El Dorado, and Alpine shall comprise the Ninth Senatorial District.

SEC. 10. The Counties of Amador and Calaveras shall comprise the Tenth Senatorial District.

SEC. 11. The Counties of Tuolumne, Mono, and Inyo shall comprise the Eleventh Senatorial District.

SEC. 12. That portion of the County of Sacramento bounded as follows, to wit: All of the territory within the City of Sacramento known as the Second, Third, and Fourth Supervisor Districts of the County of Sacramento, shall comprise the Twelfth Senatorial District.

SEC. 13. That portion of the County of Sacramento not included within the limits of the Twelfth Senatorial District shall comprise the Thirteenth Senatorial District.

SEC. 14. The County of Solano shall comprise the Fourteenth Senatorial District.

SEC. 15. The County of Sonoma shall comprise the Fifteenth Senatorial District.

SEC. 16. The Counties of Marin and Contra Costa shall comprise the Sixteenth Senatorial District.

SEC. 17. That portion of the City and County of San Francisco bounded as follows: Commencing at the northeasterly corner of Pacific and Larkin Streets; thence northerly along the easterly line of said Larkin Street to the waters of the Bay of San Francisco; thence meandering along the waters of said bay easterly and southerly to the point where the northerly line of Pacific Street intersects with said bay; thence westerly along said northerly line of Pacific Street to the point of beginning, and the island known as Alcatraz Island, shall comprise the Seventeenth Senatorial District.

SEC. 18. That portion of the City and County of San Francisco bounded as follows: Com-

mencing at a point formed by the intersection of the northerly line of Point Lobos Avenue with the waters of the Pacific Ocean; thence northerly and easterly meandering along the waters of said ocean and the Bay of San Francisco to the point where the westerly line of Larkin Street intersects with said bay; thence southerly along said westerly line of Larkin Street to its intersection with O'Farrell Street; thence westerly along the northern line of O'Farrell Street to Broderick Street; thence northerly along the easterly line of Broderick Street to its intersection with Geary Street; thence along the northerly line of Geary Street and of Point Lobos Avenue to the point of beginning, and the islands known as the Farallones, shall comprise the Eighteenth Senatorial District.

SEC. 19. That portion of the City and County of San Francisco bounded as follows: Commencing at the northeasterly corner of Pine and Larkin Streets; thence northerly along the easterly line of said Larkin Street to the southerly line of Pacific Street; thence easterly along said southerly line of Pacific Street to the waters of the Bay of San Francisco; thence meandering along the waters of said bay southerly to the point where the northern line of Market Street intersects with said bay; thence along said northerly line of Market Street southwesterly to its intersection with the northerly line of Pine Street; thence westerly along said northerly line of said Pine Street to the point of beginning, shall comprise the Nineteenth Senatorial District.

SEC. 20. That portion of the City and County of San Francisco bounded as follows: Commencing at the northeasterly corner of Larkin and O'Farrell Streets; thence northerly along the easterly line of said Larkin Street to the southerly line of Pine Street; thence easterly along said southerly line of Pine Street to its intersection with the northerly line of Market Street; thence southwesterly along said northerly line of Market Street to its intersection with the northerly line of O'Farrell Street; thence westerly along said northerly line of O'Farrell Street to the point of beginning, shall comprise the Twentieth Senatorial District.

SEC. 21. That portion of the City and County of San Francisco bounded as follows: Commencing at the northeasterly corner of Sixth and Harrison Streets; thence northwesterly along the easterly line of Sixth Street to the southerly line of Market Street; thence northeasterly along said southerly line of Market Street to its intersection with the westerly line of Third Street; thence southeasterly along said westerly line of Third Street to its intersection with the northerly line of Harrison Street; thence southwesterly along said northerly line of Harrison Street to the point of beginning, shall comprise the Twenty-first Senatorial District.

SEC. 22. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of H Street intersects with the waters of the Pacific Ocean; thence meandering along the waters of said ocean northerly to the southerly line of Point Lobos Avenue; thence easterly along said southerly line of Point Lobos Avenue and along the southerly line of Geary Street to its intersection with the westerly line of Broderick Street; thence southerly along said westerly line of Broderick Street to the southerly line of O'Farrell Street; thence easterly along said southerly line of O'Farrell Street to its intersection with the northerly line of Market Street; thence southwesterly along said northerly line of Market Street to its intersection with the northerly line of Waller Street; thence westerly along said northerly line of Waller Street to its intersection with the westerly line of Stanyan Street; thence southerly along said westerly line of Stanyan Street to its intersection with the northerly line of Frederick Street; thence westerly along said northerly line of Frederick Street to its intersection with the westerly line of First Avenue; thence northerly along said westerly line of First Avenue to its intersection with the northerly line of H Street; thence westerly along said northerly line of H Street to the point of beginning, shall comprise the Twenty-second Senatorial District.

SEC. 23. That portion of the City and County of San Francisco bounded as follows: Commencing at a point formed by the intersection of the easterly line of Eighth Street with the northerly line of Channel Street; thence northwesterly along said easterly line of Eighth Street to its intersection with the southerly line of Market Street; thence northeasterly along said southerly line of Market Street to its intersection with the westerly line of Sixth Street; thence southeasterly along said westerly line of Sixth Street to its intersection with the southerly line of Harrison Street; thence northeasterly along said southerly line of Harrison Street to its intersection with the westerly line of Third Street; thence southeasterly along said westerly line of Third Street to its intersection with the northerly line of Channel Street; thence southwesterly and westerly along said northerly line of Channel Street to the point of beginning, shall comprise the Twenty-third Senatorial District.

SEC. 24. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the easterly line of Third Street intersects with the waters of the Bay of San Francisco; thence northwesterly along said easterly line of said Third Street to the southerly line of Market Street; thence northeasterly along said southerly line of said Market Street to the waters of the Bay of San Francisco; thence meandering along the waters of said bay southerly and westerly to the point of beginning, and the island known as Yerba Buena Island, shall comprise the Twenty-fourth Senatorial District.

SEC. 25. That portion of the City and County of San Francisco bounded as follows: Commencing at a point formed by the intersection of the boundary line between the City and County of San Francisco and the County of San Mateo and the waters of the Pacific Ocean; thence meandering northerly along the waters of said ocean to the southerly line of S Street; thence easterly along said southerly line of S Street to its end, as delineated on the official map of the City and County of San Francisco; thence easterly in a direct line to the southerly line

of Twenty-sixth Street; thence easterly along said southerly line of Twenty-sixth Street to its intersection with the easterly line of Folsom Street; thence northerly along said easterly line of Folsom Street to its intersection with the easterly line of Eleventh Street; thence northwesterly along said easterly line of Eleventh Street to its intersection with the southerly line of Market Street; thence northeasterly along said southerly line of Market Street to its intersection with the westerly line of Eighth Street; thence southeasterly along said westerly line of Eighth Street to its intersection with the southerly line of Channel Street; thence easterly and north-easterly along said southerly line of Channel Street to the waters of the Bay of San Francisco; thence meandering southerly along the waters of said bay to the boundary line between the City and County of San Francisco and the County of San Mateo; thence westerly along said boundary line to the waters of the Pacific Ocean and the point of beginning, shall comprise the Twenty-fifth Senatorial District.

Sec. 26. That portion of the City and County of San Francisco bounded as follows: Commencing at a point formed by the intersection of the northerly line of S Street with the waters of the Pacific Ocean; thence meandering along the waters of said ocean northerly to their intersection with the southerly line of H Street; thence easterly along said southerly line of H Street to its intersection with the westerly line of First Avenue; thence southerly along said westerly line of First Avenue to its intersection with the southerly line of Frederick Street; thence easterly along said southerly line of Frederick Street to its intersection with the easterly line of Stanyan Street; thence northerly along said easterly line of Stanyan Street to its intersection with the southerly line of Waller Street; thence easterly along said southerly line of Waller Street to its intersection with the southerly line of Market Street; thence northerly along said southerly line of Market Street to its intersection with the westerly line of Eleventh Street; thence southeasterly along said westerly line of Eleventh Street to its intersection with the westerly line of Folsom Street; thence southerly along said westerly line of Folsom Street to its intersection with the northerly line of Twenty-sixth Street; thence westerly along said northerly line of Twenty-sixth Street to its end, as delineated on the official map of the City and County of San Francisco; thence westerly in a direct line to the northerly line of S Street; thence westerly along said northerly line of S Street to the point of beginning, shall comprise the Twenty-sixth Senatorial District.

Sec. 27. That portion of the County of Alameda bounded as follows: Oakland Township, outside of the city, and First and Second Wards and Second Precinct of the Third Ward of the City of Oakland, described as follows: Beginning at the intersection of the northerly line of the estuary San Antonio with the center line of Adeline Street, if extended southerly; thence northerly along Adeline Street to Tenth Street; thence easterly along Tenth Street to Brush Street; thence northerly along Brush Street to Twentieth Street; thence easterly along Twentieth Street to Lake Merritt; thence northerly along the western shore of said lake to the charter line of said City of Oakland; thence southerly and easterly along said charter line to the boundary line between Oakland and Brooklyn Townships; thence northeasterly along the line between said townships to the boundary line between the Counties of Alameda and Contra Costa; thence northerly and westerly along the boundary of Contra Costa to the Bay of San Francisco; thence southerly along the shore of said bay to the place of beginning, shall comprise the Twenty-seventh Senatorial District.

Sec. 28. That portion of the County of Alameda bounded as follows: First Precinct, Third Ward, and Fourth, Fifth, Sixth, and Seventh Wards of the City of Oakland, described as follows: Beginning at the intersection of the center line of Broadway produced with the boundary line of Oakland and Alameda Townships; thence westerly along said township line to Adeline Street; thence northerly along Adeline Street to Tenth Street; thence easterly along Tenth Street to Brush Street; thence northerly along Brush Street to Twentieth Street; thence easterly along Twentieth Street to Lake Merritt; thence northerly along Lake Merritt to the charter line of the City of Oakland; thence southerly and easterly along the charter line of said city and following the same to the boundary of Alameda Township to the place of beginning, shall comprise the Twenty-eighth Senatorial District.

Sec. 29. That portion of the County of Alameda bounded as follows: All that portion of Alameda County embraced within the boundaries of Murray, Washington, Alameda, Eden, and Brooklyn Townships, excepting therefrom that portion of Brooklyn Township lying within the corporate limits of the City of Oakland, shall comprise the Twenty-ninth Senatorial District.

Sec. 30. The County of San Joaquin shall comprise the Thirtieth Senatorial District.

Sec. 31. The Counties of Stanislaus, Merced, Mariposa, and San Benito shall comprise the Thirty-first Senatorial District.

Sec. 32. That portion of the County of Santa Clara bounded as follows: The Townships of Alviso, Milpitas, Burnett, Gilroy, and that portion of San José Township comprised within the election precincts of Berryessa, San José Number Two, San José Number Three, East San José, Evergreen, and Oak Grove, as the same now exist, shall comprise the Thirty-second Senatorial District.

Sec. 33. That portion of the County of Santa Clara bounded as follows: The Townships of Fremont, Redwood, Santa Clara, Almaden, and that portion of San José Township comprising the election precincts San José Number One, and San José Number Four, and San José Number Five, as the same now exist, shall comprise the Thirty-third Senatorial District.

Sec. 34. The Counties of San Mateo and Santa Cruz shall comprise the Thirty-fourth Senatorial District.

Sec. 35. The Counties of Monterey and San Luis Obispo shall comprise the Thirty-fifth Senatorial District.

SEC. 36. The Counties of Fresno and Tulare shall comprise the Thirty-sixth Senatorial District.

SEC. 37. The Counties of Kern, Ventura, and Santa Barbara shall comprise the Thirty-seventh Senatorial District.

SEC. 38. That portion of the County of Los Angeles bounded as follows: Beginning at the intersection of the line between Ventura and Los Angeles Counties with the line between the Rancho El Conejo and the Rancho San; thence southerly on the line between said ranches to the southwest corner of that portion of the Rancho San that is in Los Angeles County; thence on the south line of said Rancho San, and continuing in the same direction to the west line of township one north, range sixteen west; thence south to the southern line of the Rancho San Fernando; thence on said southern line to the southeast corner of said Rancho San Fernando; thence east to the western line of the Rancho Los Felis; thence on the western and southern lines of the said Rancho Los Felis to the northwest corner of the City of Los Angeles; thence on the northern line to the northeast corner of said city; thence on the eastern line of said city to the northern line of the Rancho San Antonio; thence on the northern lines of said rancho to San Gabriel River; thence down said river to the southern line of township three south, range thirteen west; thence east to the new San Gabriel River; thence down said river to the Pacific Ocean; thence along the coast to the line between Los Angeles and Ventura Counties; thence along said line to the place of beginning, and the Islands of Santa Catalina and San Clemente, shall comprise the Thirty-eighth Senatorial District.

SEC. 39. That portion of the County of Los Angeles bounded as follows: All that portion of the County of Los Angeles not embraced in the Thirty-eighth Senatorial District, shall comprise the Thirty-ninth Senatorial District.

SEC. 40. The Counties of San Bernardino and San Diego shall comprise the Fortieth Senatorial District.

SEC. 41. The Counties of Del Norte and Siskiyou shall comprise the First Assembly District.

SEC. 42. The Counties of Modoc and Lassen shall comprise the second Assembly District.

SEC. 43. The Counties of Shasta and Trinity shall comprise the Third Assembly District.

SEC. 44. That portion of the County of Humboldt bounded as follows: The Townships of South Fork, Mattole, Pacific, Van Duzen, Hyderville, and Rohnerville, shall comprise the Fifth Assembly District.

SEC. 45. That portion of the County of Humboldt not embraced in the Fourth Assembly District, shall comprise the Fifth Assembly District.

SEC. 46. The County of Mendocino shall comprise the Sixth Assembly District.

SEC. 47. The County of Tehama shall comprise the Seventh Assembly District.

SEC. 48. The County of Colusa shall comprise the Eighth Assembly District.

SEC. 49. The County of Butte shall comprise the Ninth Assembly District.

SEC. 50. The Counties of Plumas and Sutter shall comprise the Tenth Assembly District.

SEC. 51. That portion of the County of Nevada bounded as follows, viz: The Townships of Nevada, Washington, Eureka, North Bloomfield, and Bridgeport, shall comprise the Eleventh Assembly District.

SEC. 52. That portion of the County of Nevada bounded as follows, viz: The Townships of Grass Valley, Rough and Ready, Little York, and Meadow Lake, shall comprise the Twelfth Assembly District.

SEC. 53. The County of Yuba shall comprise the Thirteenth Assembly District.

SEC. 54. The County of Sutter shall comprise the Fourteenth Assembly District.

SEC. 55. The County of Yolo shall comprise the Fifteenth Assembly District.

SEC. 56. The County of Lake shall comprise the Sixteenth Assembly District.

SEC. 57. The County of Napa shall comprise the Seventeenth Assembly District.

SEC. 58. That portion of the County of Sonoma comprised within the Townships of Cloverdale, Washington, Mendocino, Russian River, Salt Point, Redwood, Ocean, and Knight's Valley, shall comprise the Eighteenth Assembly District.

SEC. 59. That portion of the County of Sonoma comprised within the Townships of Santa Rosa, Andry, and Belaga, shall comprise the Nineteenth Assembly District.

SEC. 60. That portion of the County of Sonoma comprised within the Townships of Petaluma, Sonoma, and Vallejo, shall comprise the Twentieth Assembly District.

SEC. 61. That portion of the County of Solano bounded as follows: The Townships of Valdez, Benbow, and Green Valley, shall comprise the Twenty-first Assembly District.

SEC. 62. That portion of the County of Solano bounded as follows: All that portion of the county not embraced in the Twenty-first Assembly District, shall comprise the Twenty-second Assembly District.

SEC. 63. That portion of the County of Sacramento bounded as follows: All that portion of the City of Sacramento lying north of the center of K Street shall comprise the Twenty-third Assembly District.

SEC. 64. That portion of the County of Sacramento bounded as follows: All that portion of the City of Sacramento lying south of the center of K Street, shall comprise the Twenty-fourth Assembly District.

SEC. 65. That portion of the County of Sacramento bounded as follows: All that portion of the County of Sacramento outside of the City of Sacramento, shall comprise the Twenty-fifth Assembly District.

SEC. 66. That portion of the County of Placer contained in Townships One, Two, Three, Nine, and Ten, shall comprise the Twenty-sixth Assembly District.

Sec. 67. That portion of the County of Placer not contained within the Twenty-sixth, shall comprise the Twenty-seventh Assembly District.

Sec. 68. The Counties of El Dorado and Alpine shall comprise the Twenty-eighth Assembly District.

Sec. 69. The County of Amador shall comprise the Twenty-ninth Assembly District.

Sec. 70. The County of Calaveras shall comprise the Thirtieth Assembly District.

Sec. 71. That portion of the County of San Joaquin bounded as follows, to wit: All the territory within the limits of the City of Stockton, shall comprise the Thirty-first Assembly District.

Sec. 72. That portion of the County of San Joaquin not embraced in the Thirty-first Assembly District, shall comprise the Thirty-second Assembly District.

Sec. 73. The County of Contra Costa shall comprise the Thirty-third Assembly District.

Sec. 74. The County of Marin shall comprise the Thirty-fourth Assembly District.

Sec. 75. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of Green Street intersects the easterly line of Larkin Street; thence northerly along said easterly line of Larkin Street to the waters of the Bay of San Francisco; thence meandering easterly, southeasterly, and southerly to the intersection of the waters of said bay with the northerly line of Green Street; thence westerly along said northerly line of Green Street to the point of beginning, and the island known as Alcatraz Island, shall comprise the Thirty-fifth Assembly District.

Sec. 76. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of Pacific Street intersects with the easterly line of Larkin Street; thence northerly along said easterly line of Larkin Street to the southerly line of Green Street; thence easterly along said southerly line of Green Street to the waters of the Bay of San Francisco; thence meandering southeasterly along the waters of said bay to their intersection with the northerly line of Pacific Street; thence westerly along said northerly line of Pacific Street to the point of beginning, shall comprise the Thirty-sixth Assembly District.

Sec. 77. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of Clay Street intersects with the easterly line of Larkin Street; thence northerly along said easterly line of Larkin Street to its intersection with the southerly line of Pacific Street; thence easterly along said southerly line of Pacific Street to the waters of the Bay of San Francisco; thence meandering southeasterly along the waters of said bay to their intersection with the northerly line of Clay Street; thence westerly along said northerly line of Clay Street to the point of beginning, shall comprise the Thirty-seventh Assembly District.

Sec. 78. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of Pine Street intersects with the easterly line of Larkin Street; thence northerly along the easterly line of Larkin Street to the southerly line of Clay Street; thence easterly along the southerly line of Clay Street to the waters of the bay of San Francisco; thence meandering southeasterly along the waters of said bay to the northerly line of Market Street; thence northwesterly along the northerly line of Market Street to its intersection with the northerly line of Pine Street; thence westerly along the northerly line of said Pine Street to the point of beginning, shall comprise the Thirty-eighth Assembly District.

Sec. 79. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of Point Lobos Avenue intersects with the waters of the Pacific Ocean; thence meandering northerly and easterly along the waters of said ocean and the waters of the Bay of San Francisco to the intersection of said waters of said bay with the westerly line of Larkin Street; thence southerly along said westerly line of Larkin Street to its intersection with the northerly line of California Street; thence westerly along said northerly line of California Street to the westerly line of Thirty-second Avenue; thence southerly along said westerly line of Thirty-second Avenue to the northerly line of Point Lobos Avenue; thence westerly along said northerly line of Point Lobos Avenue to the point of beginning, and the islands known as the Farallones, shall comprise the Thirty-ninth Assembly District.

Sec. 80. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of Point Lobos Avenue intersects with the easterly line of Thirty-second Avenue; thence northerly along said easterly line of Thirty-second Avenue to its intersection with the southerly line of California Street; thence easterly along said southerly line of California Street to its intersection with the westerly line of Larkin Street; thence southerly along said westerly line of Larkin Street to its intersection with the northerly line of O'Farrell Street; thence westerly along said northerly line of O'Farrell Street to its intersection with the easterly line of Broderick Street; thence northerly along said easterly line of Broderick Street to its intersection with the northerly line of Geary Street; thence westerly along said northerly line of Geary Street and Point Lobos Avenue to the point of beginning, shall comprise the Fortieth Assembly District.

Sec. 81. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of O'Farrell Street intersects with the easterly line of Larkin Street; thence northerly along said easterly line of Larkin Street to its intersection with the southerly line of Sutter Street; thence easterly along said southerly line of Sutter Street to its intersection with the northerly line of Market Street; thence southwesterly along said northerly line of Market Street to its intersection with the northerly line of O'Farrell

Street; thence westerly along said northerly line of O'Farrell Street to the point of beginning, shall comprise the Forty-first Assembly District.

SEC. 82. That portion of the City and County of San Francisco bounded as follows: Commencing at a point on the northerly line of Sutter Street at its intersection with the easterly line of Larkin Street; thence northerly along the easterly line of Larkin Street to its intersection with the southerly line of Pine Street; thence easterly along the southerly line of Pine Street to its intersection with the northerly line of Market Street; thence southwesterly along the northerly line of Market Street to its intersection with the northerly line of Sutter Street; thence westerly along the northerly line of said Sutter Street to the point of beginning, shall comprise the Forty-second Assembly District.

SEC. 83. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the easterly line of Second Street intersects with the waters of the Bay of San Francisco; thence northwesterly along the easterly line of Second Street to the intersection of the southerly line of Harrison Street; thence northeasterly along the southerly line of Harrison Street to its intersection with the easterly line of First Street; thence northwesterly along the easterly line of First Street to its intersection with the northerly line of Clementina Street; thence southwesterly along the northerly line of Clementina Street to its intersection with the easterly line of Second Street; thence northwesterly along the easterly line of Second Street to its intersection with the southerly line of Market Street; thence northeasterly along the southerly line of Market Street to the waters of the Bay of San Francisco; thence meandering southeasterly and southwesterly along the waters of said bay to the point of beginning, shall comprise the Forty-third Assembly District.

SEC. 84. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the waters of the bay intersect with the easterly line of Third Street; thence northwesterly along the easterly line of Third Street to its intersection with the southerly line of Market Street; thence northeasterly along the southerly line of Market Street to its intersection with the westerly line of Second Street; thence southeasterly along the westerly line of Second Street to its intersection with the southerly line of Clementina Street; thence northeasterly along the southerly line of Clementina Street to its intersection with the westerly line of First Street; thence southeasterly along the westerly line of First Street to its intersection with the northerly line of Harrison Street; thence southwesterly along the northerly line of Harrison Street to its intersection with the westerly line of Second Street; thence southeasterly along the westerly line of Second Street to the waters of the Bay of San Francisco; thence meandering along the waters of said bay southeasterly and southwesterly to the point of beginning, shall comprise the Forty-fourth Assembly District.

SEC. 85. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of Howard Street intersects with the easterly line of Sixth Street; thence northerly along said easterly line of Sixth Street to its intersection with the southerly line of Market Street; thence northeasterly along said southerly line of Market Street to its intersection with the westerly line of Third Street; thence southeasterly along said westerly line of Third Street to its intersection with the northerly line of Howard Street; thence southwesterly along said northerly line of Howard Street to the point of beginning, shall comprise the Forty-fifth Assembly District.

SEC. 86. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of Harrison Street intersects with the easterly line of Sixth Street; thence northwesterly along said easterly line of Sixth Street to its intersection with the southerly line of Howard Street; thence northeasterly along said southerly line of Howard Street to its intersection with the westerly line of Third Street; thence southeasterly along said westerly line of Third Street to its intersection with the northerly line of Harrison Street; thence southwesterly along said northerly line of Harrison Street to the point of beginning, shall comprise the Forty-sixth Assembly District.

SEC. 87. That portion of the City and County of San Francisco bounded as follows: Commencing at a point formed by the intersection of the easterly line of Seventh Street with the northerly line of Channel Street; thence northwesterly along said easterly line of Seventh Street to its intersection with the southerly line of Harrison Street; thence northeasterly along said southerly line of Harrison Street to its intersection with the westerly line of Third Street; thence southeasterly along said westerly line of Third Street to its intersection with the northerly line of Channel Street; thence southwesterly along said northerly line of Channel Street to the point of beginning, shall comprise the Forty-seventh Assembly District.

SEC. 88. That portion of the City and County of San Francisco bounded as follows: Commencing at a point formed by the intersection of the easterly line of Eighth Street with the northerly line of Channel Street; thence northwesterly along said easterly line of Eighth Street to its intersection with the southerly line of Market Street; thence northeasterly along said southerly line of Market Street to its intersection with the westerly line of Sixth Street; thence southeasterly along said westerly line of Sixth Street to its intersection with the northerly line of Harrison Street; thence southwesterly along said northerly line of Harrison Street to its intersection with the westerly line of Seventh Street; thence southeasterly along said westerly line of Seventh Street to its intersection with the northerly line of Channel Street; thence westerly along said northerly line of Channel Street to the point of beginning, shall comprise the Forty-eighth Assembly District.

SEC. 89. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of D Street intersects with the waters of the Pacific Ocean; thence meandering northerly along the waters of said ocean to their intersection with

the southerly line of Point Lobos Avenue; thence easterly along said southerly line of Point Lobos Avenue and Geary Street to its intersection with the westerly line of Broderick Street; thence southerly along said westerly line of Broderick Street to its intersection with the southerly line of O'Farrell Street; thence easterly along said southerly line of O'Farrell Street to its intersection with the northerly line of Market Street; thence southwestwardly along said northerly line of Market Street to its intersection with the northerly line of Tyler Street; thence westerly along said northerly line of Tyler Street to its intersection with the westerly line of Masonic Avenue; thence southerly along said westerly line of Masonic Avenue to its intersection with the northerly line of Fulton Street; thence westerly along said northerly line of Fulton Street to its intersection with the northerly line of D Street; thence westerly along said northerly line of D Street to the point of beginning, shall comprise the Forty-ninth Assembly District.

SEC. 90. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of H Street intersects with the waters of the Pacific Ocean; thence meandering northerly along the waters of said ocean to the southerly line of D Street; thence easterly along said southerly line of D Street to its intersection with the southerly line of Fulton Street; thence easterly along said southerly line of Fulton Street to its intersection with the easterly line of Masonic Avenue; thence northerly along said easterly line of Masonic Avenue to its intersection with the southerly line of Tyler Street; thence easterly along said southerly line of Tyler Street to its intersection with the northerly line of Market Street; thence southwestwardly along said northerly line of Market Street to its intersection with the northerly line of Waller Street; thence westerly along said northerly line of Waller Street to its intersection with the westerly line of Stanyan Street; thence southerly along said westerly line of Stanyan Street to its intersection with the northerly line of Frederick Street; thence westerly along said northerly line of Frederick Street to its intersection with the easterly line of First Avenue; thence northerly along said easterly line of First Avenue to the northerly line of H Street; thence westerly along said northerly line of H Street to the point of beginning, shall comprise the Fiftieth Assembly District.

SEC. 91. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the northerly line of L Street intersects with the waters of the Pacific Ocean; thence meandering along the waters of said ocean northerly to their intersection with the southerly line of H Street; thence easterly along said southerly line of H Street to its intersection with the westerly line of First Avenue; thence southerly along said westerly line of First Avenue to its intersection with the southerly line of Frederick Street; thence easterly along said southerly line of Frederick Street to its intersection with the easterly line of Stanyan Street; thence northerly along said easterly line of Stanyan Street to its intersection with the southerly line of Waller Street; thence easterly along said southerly line of Waller Street to its intersection with the southerly line of Market Street; thence northeasterly along said southerly line of Market Street to its intersection with the westerly line of Eleventh Street; thence southeasterly along said westerly line of Eleventh Street to its intersection with the westerly line of Folsom Street; thence southerly along said westerly line of Folsom Street to its intersection with the northerly line of Eighteenth Street; thence westerly along said northerly line of Eighteenth Street to its end, as delineated on the official map of the City and County of San Francisco; thence westerly in a direct line to the northerly line of L Street; thence westerly along said northerly line of L Street to point of beginning, shall comprise the Fifty-first Assembly District.

SEC. 92. That portion of the City and County of San Francisco bounded as follows: Commencing at a point formed by the intersection of the northerly line of S Street with the waters of the Pacific Ocean; thence meandering along the waters of said ocean northerly to their intersection with the southerly line of L Street; thence easterly along said northerly line of L Street to its end, as delineated on the official map of the City and County of San Francisco; thence easterly in a direct line to the southerly line of Eighteenth Street; thence easterly along said southerly line of Eighteenth Street to its intersection with the westerly line of Folsom Street; thence southerly along said westerly line of Folsom Street to its intersection with the northerly line of Twenty-sixth Street; thence westerly along said northerly line of Twenty-sixth Street to its end, as delineated on the official map of the City and County of San Francisco; thence westerly in a direct line to the northerly line of S Street; thence westerly along said northerly line of S Street to the point of beginning, shall comprise the Fifty-second Assembly District.

SEC. 93. That portion of the City and County of San Francisco bounded as follows: Commencing at a point where the southerly line of Channel Street intersects with the waters of the Bay of San Francisco; thence southwestwardly and westerly along the southerly line of Channel Street to its intersection with the westerly line of Eighth Street; thence northwestwardly along said westerly line of Eighth Street to its intersection with the southerly line of Market Street; thence southwestwardly along said southerly line of Market Street to its intersection with the easterly line of Eleventh Street; thence southeasterly along said easterly line of Eleventh Street to its intersection with the easterly line of Folsom Street; thence southerly along said easterly line of Folsom Street to its intersection with the northerly line of Napa Street; thence along said northerly line of Napa Street to the waters of the Bay of San Francisco; thence east in a direct line to the dividing line of the City and County of San Francisco and Alameda County; thence northerly and northwestwardly along said county line to Red Rock; thence southerly in a direct line to a point where Market Street intersects with the waters of the Bay

of San Francisco; thence meandering along the waters of said bay to the point of beginning, and the island known as Yerba Buena Island, shall comprise the Fifty-third Assembly District.

Sec. 94. That portion of the City and County of San Francisco bounded as follows: Commencing at a point formed by the intersection of the boundary line between the City and County of San Francisco and the County of San Mateo and the waters of the Pacific Ocean; thence meandering northerly along the waters of said ocean to the southerly line of S Street; thence easterly along said southerly line of S Street to its end, as delineated on the official map of the City and County of San Francisco; thence easterly in a direct line to the southerly line of Twenty-sixth Street; thence easterly along said southerly line of Twenty-sixth Street to its intersection with the easterly line of Folsom Street; thence northerly along said easterly line of Folsom Street to its intersection with the southerly line of Napa Street; thence easterly along said southerly line of Napa Street to the waters of the Bay of San Francisco; thence meandering along the waters of said bay southerly to the boundary line between the City and County of San Francisco and the County of San Mateo; thence westerly along said boundary line to the waters of the Pacific Ocean and point of beginning, shall comprise the Fifty-fourth Assembly District.

Sec. 95. The County of San Mateo shall constitute the Fifty-fifth Assembly District.

Sec. 96. That portion of the County of Alameda bounded as follows: Oakland Township outside of the city, and the Second Ward of the City of Oakland, described as follows: Beginning at a point where the charter line of the City of Oakland intersects the center of Adeline Street; thence southerly along the center of said street to Twentieth Street; thence easterly along Twentieth Street to Lake Merritt; thence northerly along the western shore of said lake to the charter line of said City of Oakland; thence southerly and easterly along said charter line between Oakland and Brooklyn Townships; thence northeasterly along the line between said townships to the boundary line of the Counties of Alameda and Contra Costa; thence westerly and northerly along the boundary line of Contra Costa County to the Bay of San Francisco; thence southerly along the shore of said bay to the charter line of the City of Oakland; thence easterly along said charter line to the place of beginning, shall comprise the Fifty-sixth Assembly District.

Sec. 97. That portion of the County of Alameda bounded as follows: First Ward and Second Precinct of the Third Ward of the City of Oakland, described as follows: Beginning at the intersection of the charter line of the City of Oakland with the center line of Adeline Street; thence southerly along Adeline Street to Twentieth Street; thence easterly along Twentieth Street to Brush Street; thence southerly along Brush Street to Tenth Street; thence westerly along Tenth Street to Adeline Street; thence southerly along Adeline Street to the Bay of San Francisco; thence northwesterly and westerly along the margin of said bay to the charter line heretofore mentioned; thence easterly to the place of beginning, shall comprise the Fifty-seventh Assembly District.

Sec. 98. That portion of the County of Alameda bounded as follows: First Precinct, Third Ward, and Fourth Ward of the City of Oakland, described as follows: Beginning at the intersection of the center line of Broadway with the northerly line of the estuary of San Antonio; thence westerly along said estuary to Adeline Street; thence northerly along Adeline Street to Tenth Street; thence easterly along Tenth Street to Brush Street; thence northerly along Brush Street to Twentieth Street; thence easterly along Twentieth Street to Broadway; thence southerly along Broadway to the place of beginning, shall comprise the Fifty-eighth Assembly District.

Sec. 99. That portion of the County of Alameda bounded as follows: Fifth, Sixth, and Seventh Wards of the City of Oakland, described as follows: Beginning at the intersection of the center line of Broadway produced with the boundary line between Oakland and Alameda Townships; thence northerly along Broadway to Twentieth Street; thence easterly along Twentieth Street to Lake Merritt; thence northerly along Lake Merritt to the charter line of the City of Oakland; thence southerly and easterly along the charter line of said city, and following the same to the boundary of Alameda Township; thence westerly along the boundary of Alameda Township to the place of beginning, shall comprise the Fifty-ninth Assembly District.

Sec. 100. That portion of the County of Alameda bounded as follows: Alameda Township entire, and all of Brooklyn Township, except that portion within the corporate limits of the City of Oakland, and that certain portion of Eden Township included within the boundaries of the incorporated Town of San Leandro, and also that portion of said township known as the San Lorenzo School District, and that portion of Union School District lying in said township outside of the Town of San Leandro, shall comprise the Sixtieth Assembly District.

Sec. 101. That portion of the County of Alameda bounded as follows: All of Murray Township, all of Washington Township, and that certain portion of Eden Township within the corporate limits of the Town of Hayward; also, that portion of Eden Township known as Mount Eden, described as follows, viz.: Commencing at a point where the mountain road intersects the southerly line of the corporate Town of Hayward; thence southerly along the center of said mountain road to Washington Township; thence westerly along the line between Eden and Washington Townships to the San Francisco Bay; thence northerly along said San Francisco Bay to the line between San Lorenzo and Mount Eden School District; thence easterly along said line to the Town of Hayward; and thence along the southeasterly boundary of the Town of Hayward to the place of beginning. Also, that portion of said township known as Castro Valley, described as follows, *v. c.*, commencing at a point where the northerly line of

the Town of Haywards is intersected by the dividing line between San Lorenzo and San Leandro and Castro Valley School Districts; thence along said dividing line of said school districts to the middle line of the San Leandro Creek; thence along the middle of said creek to the dividing line of Alameda and Contra Costa Counties; thence along said dividing line of said counties to its point of intersection with the dividing line with Eden and Murray Townships; thence along said dividing line between Eden and Murray Townships to the corner of Eden, Murray, and Washington Townships; thence westerly along the line dividing the Townships of Washington and Eden to the middle of the mountain road from Haywards; thence northerly along the middle of said road to the place of beginning, shall comprise the Sixty-first Assembly District.

SEC. 102. The County of Stanislaus shall comprise the Sixty-second Assembly District.

SEC. 103. The Counties of Tuolumne and Mariposa shall comprise the Sixty-third Assembly District.

SEC. 104. The Counties of Merced and San Benito shall comprise the Sixty-fourth Assembly District.

SEC. 105. The Counties of Mono and Inyo shall comprise the Sixty-fifth Assembly District.

SEC. 106. The County of Tulare shall comprise the Sixty-sixth Assembly District.

SEC. 107. The County of Fresno shall comprise the Sixty-seventh Assembly District.

SEC. 108. That portion of the County of Santa Clara bounded as follows: The Townships of Fremont, Alviso, Milpitas, and that portion of San José Township comprised within the Election Precincts Berryessa, San José Number One, San José Number Two, and that portion of San José Number Five lying north of the Alameda Road, as the same now exist, shall comprise the Sixty-eighth Assembly District.

SEC. 109. That portion of the County of Santa Clara bounded as follows: The Townships of Santa Clara and Redwood, and that portion of San José Township comprised within Election Precinct of San José Number Four, and that portion of San José Number Five which lies south of the Alameda Road, as the same now exist, shall comprise the Sixty-ninth Assembly District.

SEC. 110. That portion of the County of Santa Clara bounded as follows: The Townships of Almaden, Burnett, Gilroy, and that portion of San José Township comprised within Election Precincts East San José, Evergreen, Oak Grove, and San José Number Three, as the same now exist, shall comprise the Seventieth Assembly District.

SEC. 111. The County of Santa Cruz shall comprise the Seventy-first Assembly District.

SEC. 112. The County of Monterey shall comprise the Seventy-second Assembly District.

SEC. 113. The County of San Luis Obispo shall comprise the Seventy-third Assembly District.

SEC. 114. The County of Santa Barbara shall comprise the Seventy-fourth Assembly District.

SEC. 115. The Counties of Kern and Ventura shall comprise the Seventy-fifth Assembly District.

SEC. 116. That portion of the County of Los Angeles bounded as follows: That portion of the County of Los Angeles beginning at the northeast corner of said county; thence on the eastern line of said county to the north line of township three north, range seven west; thence on township line west to the northwest corner of section two, township three north, range ten west; thence south to the San Gabriel River; thence down said river to the south line of township three south, range thirteen west; thence east to the New San Gabriel River; thence down said river to the Pacific Ocean; thence along the coast to the line between Los Angeles and Ventura Counties; thence along said line to the northwest corner of Los Angeles County; thence on the northern line of said county to the place of beginning, and the Islands of Santa Catalina and San Clemente, shall constitute the Seventy-sixth Assembly District.

SEC. 117. That portion of the County of Los Angeles bounded as follows: The City of Los Angeles, shall constitute the Seventy-seventh Assembly District.

SEC. 118. That portion of the County of Los Angeles bounded as follows: All that portion of the county not included in the Seventy-sixth and Seventy-seventh Assembly Districts, shall comprise the Seventy-eighth Assembly District.

SEC. 119. The County of San Bernardino shall comprise the Seventy-ninth Assembly District.

SEC. 120. The County of San Diego shall comprise the Eightieth Assembly District.

SEC. 121. Each Senatorial District shall elect one Senator, and each Assembly District one member of the Assembly, as follows: A member of the Assembly shall be elected in each Assembly District at the general election to be held in the year eighteen hundred and eighty-two, and every two years thereafter. A Senator shall be elected in each Senatorial District at the general election to be held in the year eighteen hundred and eighty-two. Thereafter a Senator shall be elected in each of the odd numbered Senatorial Districts at the general election to be held in the year eighteen hundred and eighty-four, and every four years thereafter; and in each of the even numbered Senatorial Districts at the general election to be held in the year eighteen hundred and eighty-six, and every four years thereafter.

SEC. 122. Neither Boards of Supervisors, municipal authorities, or any other officer, shall have power to alter the boundaries of any township, ward, election precinct, or other local subdivision of any county, city, or town, so as to change the boundaries of any Senatorial or Assembly District, as defined in this Act.

SEC. 123. An Act entitled an Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof, approved March sixteenth, eighteen hundred and seventy-four, is hereby repealed.

Upon its adoption, the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hudson, Johnson, Johnston, Lampson, Neumann, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuehl—23.

NOES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Kelly, Langford, Moreland, Pool, and Ryan—10.

Amendment adopted.

Mr. Johnson offered the following amendment, and moved its adoption: Amend the bill by renumbering the Senatorial Districts as follows: "Colusa and Tehama, fourth; Plumas and Butte, fifth; Yuba, Sutter, and Sierra, sixth; Nevada, seventh; Sonoma, eighth; Napa and Yolo, ninth; Solano, tenth; Placer, El Dorado, and Alpine, eleventh; Amador and Calaveras, fourteenth; San Joaquin, fifteenth; Marin and Contra Costa, sixteenth; Tuolumne, Mono, and Inyo, thirtieth; and leave the other districts numbered as in the bill."

Adopted.

Mr. Ryan moved the adoption of the following amendment: Amend section one, line one, of printed bill, by inserting the word "Trinity" after the word "Modoc."

Lost.

Mr. Langford moved the adoption of the following amendment: "That portion of the County of San Joaquin comprising the voting precincts of Bouldin Island, Staten Island, Union, Woodbridge, Lodi, Liberty, Elliott, Poland, Lockeford, Waterloo No. 1, Waterloo No. 2, and Wrightman's, as they now exist, shall constitute the Thirty-second Assembly District."

Upon its adoption, the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Glascock, Harlan, Hudson, Kelly, Langford, Moreland, Pool, and Ryan—10.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Wendell, and West—23.

Amendment lost.

Mr. Enos moved to adjourn until ten o'clock to-morrow.

Lost.

Mr. Ryan offered the following amendment, and moved its adoption: Amend section one, line one, printed bill, by striking out the word "Lassen" and insert in lieu thereof the word "Trinity."

Upon its adoption the ayes and noes were demanded by Messrs. Pool, Ryan, and Glascock, and the roll was called, with the following result:

AYES—Messrs. Anderson, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Pool, and Ryan—10.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Rowell, Sears, Wendell, and West—22.

Amendment lost.

Mr. Johnson moved to amend by making Colusa and Tehama, fifth; and Plumas and Butte, fourth.

Adopted.

Mr. Enos moved the adoption of the following amendment: Amend section seventeen by inserting:

SEC. 14. That portion of the City and County of San Francisco commencing at a point formed by the intersection of the southerly line of Broadway Street with the waters of the Bay of San Francisco; thence westerly along Broadway Street to its intersection with Montgomery Street; thence southerly along the east side of Montgomery Street to its intersection with Market Street; thence easterly along the southerly line of Market Street to its intersection with Second Street; thence southerly along the eastern line of Second Street to its intersection with the Bay of San Francisco; thence northwesterly to the place of beginning, shall constitute the Fourteenth Senatorial District.

Lost.

Mr. Enos offered the following amendment: Substitute the following for section eighteen:

SEC. 18. That portion of the City and County of San Francisco bounded as follows: Commencing at the southeast corner of Montgomery and Broadway Streets, running thence easterly along the southern line of Broadway Street to San Francisco Bay, and southerly along the easterly line of Montgomery Street to Pine Street; thence westerly along the northerly line of Pine Street to Powell Street; thence northerly along the easterly line of Powell Street to its intersection with San Francisco Bay, shall constitute the Sixteenth Senatorial District.

Lost.

Mr. Enos offered the following amendment: Amend the bill so as to allow the County of San Francisco eleven Senators and twenty-one Assemblymen.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Glasecock, Gorman, Harlan, Kane, Kelly, Neumann, Pool, and Ryan—10.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Nye, Rowell, Sears, Watson, Wendell, West, and Zuck—23.

Lost.

Mr. Ryan moved the adoption of the following amendment: Amend section twenty-six so as to make it read "The County of Placer shall comprise the Twenty-sixth Assembly District," and strike out all of section twenty-seven.

Lost.

Mr. Kane moved to postpone the further consideration of the bill until to-morrow.

Lost.

Bill ordered engrossed.

RESOLUTION.

By Mr. George (by leave):

Resolved, That the Engrossing Clerk be authorized to engross the Apportionment Bill, and return it prior to the Road Bill.

Upon its adoption, the ayes and noes were demanded by Messrs. Anderson, Moreland, and Langford, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glasecock, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Pool, Sears, Watson, West, and Zuck—23.

NOES—Messrs. Anderson, Byrnes, Enos, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Rowell, Ryan, and Wendell—13.

Lost, not having received a two-thirds vote.

Mr. Ryan moved to adjourn.

Upon a division of the vote the motion prevailed by the following vote: Ayes, 21; noes, 10.

ADJOURNMENT.

At four o'clock and twenty minutes P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, April 14, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, German, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Leave of absence granted Senator Cheney for the day.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, STATE OF CALIFORNIA, April 14, 1881.

MR. PRESIDENT: Your Committee on Engrsment have examined and report correctly engrossed the following Senate bills, viz.: An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said chapter two, in said Code, relating to roads and highways.

SENATE BILL No. 2. An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

GEORGE, Chairman.

Leave of absence was granted to Senator Johnston for to-morrow.

RECESS.

On motion of Mr. Johnson, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, German, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Gorman moved to adjourn.

Lost.

Mr. Johnson moved to take up Assembly messages.

So ordered.

MESSAGE FROM ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 12—An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-second fiscal year.

G. E. McSTAY, Chief Clerk.

Assembly Bill No. 12—As above, read first time.

Mr. Satterwhite moved to place the bill at the head of the second reading file.

Mr. Chase moved to refer the bill to the Finance Committee, with instructions to report it back to-morrow morning.

Carried.

Mr. Dickinson moved to take a recess until three o'clock P. M.

Carried.

RECESS.

At two o'clock and twenty minutes P. M. the Senate took a recess until three o'clock P. M.

REASSEMBLED.

The Senate reassembled at three o'clock P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two, in said Code, relating to roads and highways.

On motion of Mr. Dickinson, temporarily passed.

Senate Bill No. 2—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Read third time to and including section forty-nine.

Mr. Johnson moved the following:

MR. PRESIDENT: I move to recommit Senate Bill No. 2 to the Chairman of the Committee on Apportionment, with special instructions to amend the bill as follows, viz.:

First—Amend section forty-nine so that it shall read as follows, viz.:

SEC. 49. That portion of the County of Butte contained in the Townships of Dayton, Chico, Kimshaw, and Concord, shall comprise the Ninth Assembly District.

Second—Amend section fifty so that it shall read as follows, viz.:

SEC. 50. That portion of the County of Butte not contained in the Ninth Assembly District shall comprise the Tenth Assembly District.

Third—Renumber the following districts and sections in manner following, viz.:

- SEC. 50. District Ten to be section fifty-one, District Eleven.
- SEC. 51. District Eleven to be section fifty-two, District Twelve.
- SEC. 52. District Twelve to be section fifty-three, District Thirteen.
- SEC. 53. District Thirteen to be section fifty-four, District Fourteen.
- SEC. 54. District Fourteen to be section fifty-five, District Fifteen.
- SEC. 55. District Fifteen to be section fifty-six, District Sixteen.
- SEC. 56. District Sixteen to be section fifty-seven, District Seventeen.
- SEC. 57. District Seventeen to be section fifty-eight, District Eighteen.
- SEC. 58. District Eighteen to be section fifty-nine, District Nineteen.
- SEC. 59. District Nineteen to be section sixty, District Twenty.
- SEC. 60. District Twenty to be section sixty-one, District Twenty-one.
- SEC. 61. District Twenty-one to be section sixty-two, District Twenty-two.
- SEC. 62. District Twenty-two to be section sixty-three, District Twenty-three.
- SEC. 63. District Twenty-three to be section sixty-four, District Twenty-four.
- SEC. 64. District Twenty-four to be section sixty-five, District Twenty-five.
- SEC. 65. District Twenty-five to be section sixty-six, District Twenty-six.

Fourth—Strike out section sixty-six entire.

Fifth—Amend section sixty-seven so as to read as follows, viz.:

SEC. 67. The County of Pierce shall comprise the Twenty-seventh Assembly District.

Sixth—Renumber the following sections and districts in the following manner:

Make the twenty-fourth section the twenty-first, and change the name of the Twenty-fourth Senatorial District to the Twenty-first.

Make the twenty-first section the twenty-second, and change the name of the Twenty-first Senatorial District to the Twenty-second.

Make the twenty-second section the twenty-fourth, and change the name of the Twenty-second Senatorial District to the Twenty-fourth.

Make the seventy-ninth section the seventy-seventh, and change the name of the Thirty-ninth Assembly District to the Thirty-seventh.

Make the eightieth section the seventy-eighth, and change the name of the Fortieth Assembly District to the Thirty-eighth.

Make the seventy-seventh section the seventy-ninth, and change the name of the Thirty-seventh Assembly District to the Thirty-ninth.

Make the seventy-eighth section the eightieth, and change the name of the Thirty-eighth Assembly District to the Fortieth.

Make the eighty-second section the eighty-first, and change the name of the Forty-second Assembly District to the Forty-first.

Make the eighty-first section the eighty-second, and change the name of the Forty-first Assembly District to the Forty-second.

Seventh—Amend section ninety-three, by striking out the words: "And the island known as Yerba Buena Island."

Eighth—Amend section eighty-three, by inserting the words: "And the island known as Yerba Buena Island," after the word "beginning" in line twelve of said section, printed bill.

Ninth—Amend section thirty-eight, by striking out from the word "at" in line two, of said section, printed bill, to the word "south" in line seven, of printed bill, both inclusive, and insert in lieu thereof: "At the northwest corner of the Rancho Topanga Malibu Sequas, thence east to the west line of township one south, range sixteen west, San Bernardino meridian, thence north."

Tenth—Amend section one hundred and sixteen, by striking out the words: "That portion of the County of Los Angeles" in lines one and two of said section, printed bill, and also by inserting after the word "beginning" in line nine of said section, printed bill, the words: "Excepting therefrom that portion of said county within the corporate limits of the City of Los Angeles," and change the Seventh Senatorial District to the Eighth, and the Eighth Senatorial District to the Seventh Senatorial District, and report the same back immediately.

Upon the adoption of the motion, the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Chase, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Johnston, Kelly, Moreland, Nye, Rowell, Sears, Watson, Wendell, West, and Zuck—21.

NOES—Messrs. Anderson, Burt, Kane, Langford, and Satterwhite—5.

Motion carried.

Mr. Hudson moved the adoption of the following amendment: Amend section fifteen by changing the number from Fifteenth to the Sixteenth Senatorial District.

Upon a division of the vote the amendment was lost by the following vote: Ayes, 11; noes, 13.

Mr. Hudson moved the adoption of the following amendment: Amend sections sixty-four, sixty-five, and sixty-six, by taking one Assemblyman from Sacramento County and add the same to San Joaquin County, and divide the district in those counties in conformity to this amendment.

Lost.

REPORT OF COMMITTEE.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, April 14, 1881.

MR. PRESIDENT: Pursuant to instructions of the Senate I hereby report back Senate Bill No. 2, amended as per said instructions, adopted April fourteenth, eighteen hundred and eighty-one.

GROVE L. JOHNSON, Chairman Committee on Apportionment.

Bill ordered to State Printer's office.

SENATE BILL NUMBER FOUR—RESUMED.

The Secretary was instructed to insert the enacting clause, and to change the word "compromise" to "comprise," in section two thousand six hundred and twenty, the same being clerical errors.

Mr. Ryan moved to recommit the pending bill to the Engrossing Committee, with instructions to compare and correct both the engrossed and printed copies.

So ordered.

Mr. Johnson moved to take up Assembly messages.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 8—As above, read first time.

Mr. Johnson moved that this be declared a case of urgency, and that section fifteen, article four, of the Constitution, be dispensed with in regard to the reading of bills, and that the bill be now read a second and third times.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Dickinson, Glascock, Johnson, Johnston, Kelly, Ryan, Watson, and Zuck—10.

NOES—Messrs. Burt, Byrnes, Carlock, Chase, Conger, Davis, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Lampson, Langford, Moreland, Pardee, Pool, Rowell, Sears, Wendell, and West—22.

Motion lost.

Mr. Sears moved that the bill be placed on file.

Upon a division of the vote, the motion was lost.

Mr. Baker moved its reference to the Finance Committee, with instructions to report to-morrow morning.

Motion lost.

Bill referred to Finance Committee without instructions.

ADJOURNMENT.

On motion of Mr. Johnson, at four o'clock and forty-five minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, April 15, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Langbe-son, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, and on motion of Mr. Hittell the words "the same being clerical errors" were ordered inserted after the words "to comprise in section two thousand six hundred and twenty" on page four, printed Journal.

Journal approved.

REPORT OF COMMITTEE.

By Mr. Pardee:

SENATE CHAMBER, SACRAMENTO, April 15, 1881.

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 12, have had the same under consideration, and a majority recommend that it do pass, the majority of the committee being Johnson, Carlock, Ryan, Traylor, Davis, and Conger. The minority believing the bill to be unconstitutional, and for other reasons, think it ought not to pass.

PARDEE, Chairman.

SECOND READING OF BILLS.

On motion of Mr. Johnson, Assembly Bill No. 12 was taken up.

Assembly Bill No. 12—An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-second fiscal year.

Read second time.

Mr. Zuck moved the adoption of the following amendment:

Amend title to the bill by striking out the words "deficiencies for the support of the government," and insert "the expenses of the extra session of the Legislature."

In section one, lines two and three, of printed bill, strike out the words "for the objects hereinafter expressed, the same being for deficiencies in the appropriations made for the support of the government," and insert as follows: "To pay the expenses of the extra session of the Legislature."

Mr. Sears moved to recommit the bill to the Finance Committee, with instructions to draw and introduce separate bills for the different items.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, April 15, 1881.

MR. PRESIDENT: The Committee on Engrossment, to whom was recommended Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said chapter two in said Code, relating to roads and highways—have examined and corrected the same, and herewith report the same with a correct engrossed copy.

Also, examined Senate Bill No. 2—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein—and report the same back correctly engrossed.

GEORGE, Chairman.

Mr. Johnson moved to take up Senate Bill No. 2, upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Lampson, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—23.

NOES—Messrs. Anderson, Burt, Enos, Glasecock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Pool, Ryan, and Satterwhite—13.

The President declared the motion carried.

Mr. Enos arose to a point of order, that as it changed the rules, the motion requires a two-thirds vote to adopt it.

The President ruled that the bill being before the Senate on a report from a committee, the Senate could take it up for action by a majority vote, and declared the point of order not well taken.

Mr. Satterwhite appealed from the decision of the Chair.

Upon the question, "Shall the decision of the President stand as the judgment of the Senate?" the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Hudson, Johnson, Lampson, Pardee, Traylor, Watson, West, and Zuck—16.

NOES—Messrs. Anderson, Burt, Davis, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, and Wendell—20.

Decision of the President not sustained.

Mr. Baker moved that Assembly Bill No. 12, pending consideration upon receipt of report of Engrossing Committee, be temporarily laid upon the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Carlock, Cheney, Davis, Dickinson, Hill, Hittell, Hudson, Johnson, Lampson, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—20.

NOES—Messrs. Anderson, Burt, Chase, Conger, Enos, George, Glasecock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Pool, Ryan, and Satterwhite—16.

Motion carried.

Mr. Ryan moved to take a recess until two o'clock P. M.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Enos, Glasecock, Kane, Kelly, Moreland, Pool, Ryan, and Satterwhite—10.

NOES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Lampson, Langford, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—26.

Motion lost.

Mr. Gorman moved to take Assembly Bill No. 12 from the table.

Upon which motion a division of the vote was demanded, and the Senate refused to take up the bill, by the following vote: Ayes, 11; noes, 21.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

G. E. McSTAY, Chief Clerk.

Assembly Bill No. 10—As above, read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fourteenth, eighteen hundred and eighty-one, passed Assembly Bill No. 11—An Act making appropriations to pay deficiencies for the support of the government of the State of California, for the thirty-first fiscal year.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Bill No. 11—As above, read first time.

Mr. Satterwhite moved to place the bill on the file.

So ordered.

RESOLUTION.

Mr. Pardee (by leave) moved the adoption of the following resolution:

Resolved, That Senators Enos, Wendell, and Sears be and they are hereby added to the Finance Committee.

Adopted.

Mr. Conger asked leave to resign from the Committee on Finance.

Granted.

Mr. Moreland moved to take a recess until two o'clock p. m.

So ordered.

RECESS.

At twelve o'clock and twenty-four minutes p. m. the President declared a recess until two o'clock p. m.

REASSEMBLED.

The Senate reassembled at two o'clock p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The President stated Senate Bill No. 2 now in order on its third reading, and directed the Secretary to read the bill.

Mr. Satterwhite asked leave to speak upon its provisions before the reading of the bill is proceeded with.

The President ruled the Senator not in order, the reading of the bill having been called for.

Mr. Satterwhite appealed from the ruling of the President.

Mr. Johnson moved to lay the appeal on the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuck—22.

NOES—Messrs. Anderson, Burt, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Pool, Ryan, and Satterwhite—13.

Motion carried.

THIRD READING OF BILLS.

Senate Bill No. 2—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Read third time.

The Secretary was instructed to make the following changes in the engrossed copy for the purpose of correcting clerical errors therein, to wit: Change the word "Bush," wherever it occurs in sections twenty-seven and twenty-eight, to "Brush;" also, in section seventy-eight, fourth line from bottom of section, engrossed copy, change the word "Pine" to make it read "Geary;" also, in section one hundred change the word "unincorporated" to read "incorporated Town of San Leandro."

Mr. Glascock submitted the following protest against the passage of the bill:

SENATE CHAMBER, SACRAMENTO, April 15, 1881.

MR. PRESIDENT: The undersigned respectfully protest against the passage of Senate Bill No. 2—Entitled an Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein, for the reasons:

First—That said bill was not read at length on three several days in the Senate, nor was it read at length but once in said Senate. Protestants further say when said Senate Bill No. 2 came up for a second reading, a substitute was offered for said bill, which was in effect an entirely new bill, and said new bill was read but twice at length in said Senate.

Second—That said bill is unconstitutional, and entirely void, for the reason that said bill embraces more than one subject, viz.: It provides for districting the State into Senatorial Districts, and also into Assembly Districts, and further provides for the election of Senators and Assemblymen therein.

Third—The said Senatorial Districts are not numbered from one to forty inclusive, in numerical order, and the Assembly Districts are not numbered from one to eighty, in the same order, commencing at the northern boundary of the State, and ending at the southern boundary thereof, as provided in section six, of article four, of the Constitution.

W. W. MORELAND,
B. B. GLASCOCK,
WM. L. ANDERSON,
B. F. LANGFORD,
J. H. HARLAN,
D. M. POOL,
JOHN S. ENOS,
J. C. GORMAN,
MARTIN KELLY,
JOHN W. SATTERWHITE,
PIERCE H. RYAN.

Mr. Johnson moved that the consideration of Senate Bill No. 2 be continued until disposed of.

So ordered.

Mr. Kane moved to strike out the enacting clause of the bill.

Lost.

Bill passed by the following vote:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and West—23.

NOES—Messrs. Anderson, Burt, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Moreland, Pool, Ryan, and Satterwhite—12.

Title read and approved.

Mr. Johnson moved to now take up Senate Bill No. 4.

So ordered.

Senator Davis in the chair.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and to substitute the same in place of said chapter three in said Code, relating to roads and highways.

Read third time.

The Secretary was instructed to make the following changes in the engrossed copy for the purpose of correcting clerical errors therein. to wit: In section two thousand six hundred and forty-two, insert between the words "does approve," the word "not." In section two thousand six hundred and fifty-three strike out the words "and apply" where it occurs twice. In section two thousand six hundred and seventy-one, insert the word "poll" between "road" and "tax."

President Mansfield in the chair.

Mr. Moreland moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Present—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and West.

Excused—Messrs. Johnston and Nelson.

Absent—Messrs. Brown, Dickinson, Enos, Langford, Satterwhite, and Zuck.

On motion of Mr. Ryan further proceedings under the call were dispensed with.

Mr. Johnson protested against the passage of the bill, for the reason that he deems it unconstitutional.

Bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Glascock, Harlan, Hill, Hittell, Hudson, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Wendell—26.

NOES—Messrs. George, Gorman, Johnson, Kane, Kelly, and West—6.

Title read and approved.

Mr. Ryan moved to take Assembly Bill No. 12 from the table.

So ordered.

Assembly Bill No. 12—An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-second fiscal year.

The question recurred upon the motion of Mr. Sears to recommit

the bill to the Finance Committee, with instructions to draw and introduce separate bills for the different items.

Upon which motion the ayes and noes were demanded by Messrs. Davis, Lampson, and Pardee, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Lampson, Moreland, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and West—27.

NOES—Messrs. Davis, Dickinson, Glascock, Kelly, and Pool—5.

Motion carried.

Mr. Moreland moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Davis, Glascock, Gorman, Harlan, Kane, Kelly, Lampson, Moreland, Rowell, Ryan, and West—14.

NOES—Messrs. Baker, Burt, Byrnes, Carlock, Cheney, Dickinson, George, Hill, Hittell, Hudson, Johnson, Nye, Pardee, Pool, Sears, Traylor, Watson, and Wendell—18.

Lost.

SECOND READING OF BILLS.

Mr. Johnson moved that Senate Bills Nos. 5 and 8 be indefinitely postponed.

So ordered.

Mr. Johnson asked leave to withdraw Senate Bills Nos. 9, 10, and 3.

Granted.

ADJOURNMENT.

At five o'clock and fifty minutes P. M., on motion of Mr. Ryan, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Saturday, April 16, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West.

Quorum present.

The Journal of yesterday read.

On motion of Mr. Hittell, the Journal was amended as follows: On page four, printed copy, after the "Third Reading of Bills," strike out "clerical corrections," and insert, "changes in the engrossed copy for the purpose of correcting clerical errors therein, to wit."

Also, on page five, printed copy, after the words "read third time," make the same correction as above.

Journal approved.

Leave of absence granted to Senators Zuck and Byrnes, until Monday, at two o'clock P. M.

REPORT OF COMMITTEE.

By Mr. Pardee:

SENATE CHAMBER, SACRAMENTO, April 16, 1881.

MR. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 12, with instructions to divide the items contained in the same, and introduce separate bills appropriating money to pay said items, have considered the same, and hereby report several bills in conformity with said instructions.

Your committee also report back said Assembly bill, with amendments, and recommend the passage of said bill as amended:

Amend section one, by striking out all of said section after the word "treasury," in line two, printed bill, down to and including line twenty-five, and insert the following: "not otherwise appropriated, to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, to wit."

Amend the title, by striking out, after the word "pay," the following words, "deficiencies for the support of the government," and insert, "the expenses of the extra session of the Legislature, and other matters incidental thereto."

Also, strike out the word "four," after the word "California," and insert the word "during."

PARDEE, Chairman.

INTRODUCTION OF BILLS.

By Committee on Finance: Senate Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 13—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 14—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 15—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 17—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 18—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 19—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 20—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 21—An Act making an appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 22—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 23—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 24—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 25—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 26—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

By Mr. Pardee: Senate Bill No. 27—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 28—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 29—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 30—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 31—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 32—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read first time and placed on file.

Also, Senate Bill No. 33—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and placed on file.

Mr. Sears moved to take up Assembly Bill No. 12 for consideration.

So ordered.

SECOND READING OF BILLS.

Assembly Bill No. 12—An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-second fiscal year.

Read second time.

Mr. Baker moved that the bill be recommitted to the Finance Committee with instructions to report a separate bill for each item contained therein, for which bills have not already been reported by the Committee on Finance.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Gorman, Johnson, Kane, Pardee, and Watson—7.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Glaseock, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Pool, Rowell, Ryan, Satterwhite, Sears, Taylor, and West—23.

Motion lost.

Upon the adoption of the amendment of the committee to section one, the roll was called, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Lampson, Moreland, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, and West—23.

NOES—Messrs. Baker, Burt, Brown, Gorman, Johnson, and Watson—6.

Amendment adopted.

Amendment of committee to the title adopted.

Bill ordered to a third reading.

RECESS.

On motion of Mr. Baker, at eleven o'clock and fifteen minutes A. M., the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Chase, Cheney, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Kelly, Nye, Pool, Rowell, Ryan, Traylor, Watson, and West.

Quorum present.

Mr. Baker moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Baker, Burt, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Baker, Cheney, Gorman, Hill, and Hittell—5.

NOES—Messrs. Anderson, Burt, Chase, Dickinson, Glascock, Harlan, Johnson, Kelly, Moreland, Nye, Pool, Rowell, Ryan, Traylor, Watson, and West—16.

Lost.

Mr. Johnson moved to adjourn until Monday, at two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Hittell, Baker, and Johnson, and the roll was called, with the following result:

AYES—Messrs. Cheney, Dickinson, Gorman, Johnson, Pool, and Watson—6.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Glascock, Harlan, Hill, Hittell, Kelly, Moreland, Nye, Rowell, Traylor, and West—15.

Motion lost.

Leave granted for the remainder of the day to Senator Dickinson; also to Senator Davis until Monday, at two o'clock P. M.

Mr. Ryan moved to adjourn until Monday, at two o'clock P. M.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Cheney, Dickinson, Gorman, Harlan, Johnson, Nye, Pool, Ryan, Traylor, Watson, and West—12.

NOES—Messrs. Baker, Burt, Carlock, Chase, Glascock, Hill, Hittell, Kelly, Moreland, and Rowell—11.

Motion carried.

ADJOURNMENT.

At two o'clock and fifteen minutes P. M. the Senate adjourned until Monday, at two o'clock P. M.

IN SENATE.

SENATE CHAMBER,
Monday, April 18, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

SPECIAL ORDER FOR THIS HOUR.

Assembly Bill No. 12—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

Read third time.

Mr. Neumann moved that the pending bill be laid upon the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Moreland, Nelson, Ryan, Satterwhite, Sears, and Traylor—22.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Moreland, Nelson, Ryan, Satterwhite, Sears, and Traylor—22.

Motion lost.

Mr. Neumann moved that the bill be made the special order for next Thursday, immediately after reading of the Journal.

Upon which motion the ayes and noes were demanded by Messrs. Burt, Glascock, and Anderson.

The roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Chase, Cheney, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Rowell, Wendell, and West—15.

NOES—Messrs. Anderson, Burt, Conger, Davis, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Moreland, Nelson, Ryan, Satterwhite, Sears, Traylor, and Watson—18.

Motion lost.

The question recurring upon the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Ryan, Satterwhite, Sears, Traylor, and Watson—23.

NOES—Messrs. Baker, Brown, Carlock, Johnson, Johnston, Nye, Pardee, Rowell, Wendell, and West—10.

Title read and approved.

Mr. Neumann gave notice of motion to reconsider.

SECOND READING OF BILLS.

Assembly Bill No. 11—An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-first fiscal year.

Passed temporarily, on motion of Mr. Hittell.

Senate Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time.

Upon the engrossment of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Ryan, Traylor, Watson, and Wendell—22.

NOES—Messrs. Burt, Glascock, Hill, Kane, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, and West—11.

Bill ordered engrossed.

Senate Bill No. 13—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time.

Upon the engrossment of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Conger, Davis, Gorman, Hittell, Johnson, Johnston, Kelly, Lampson, Neumann, Ryan, Traylor, Watson, and Wendell—18.

NOES—Messrs. Baker, Burt, Glascock, Harlan, Hill, Hudson, Kane, Moreland, Nelson, Nye, Pardee, Rowell, Satterwhite, Sears, and West—15.

Bill ordered engrossed.

Senate Bill No. 14—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time.

Bill ordered engrossed.

Senate Bill No. 15—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time.

Bill ordered engrossed.

Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time.

Mr. Wendell (by leave) introduced the following resolution:

Resolved, That the Finance Committee be instructed to ascertain and report to the Senate the cause of the reported deficiency of ten thousand three hundred dollars in the appropriation for the expenses of the Supreme Court for the thirty-second fiscal year.

Adopted.

On motion of Mr. Ryan, bill ordered engrossed.

Senate Bill No. 17—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 18—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 19—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 20—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 21—An Act making an appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time.

Upon the engrossment of the bill a division was demanded, and the bill was ordered engrossed by the following vote: Ayes, 12; noes, 9.

Senate Bill No. 22—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 23—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 24—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 25—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 26—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 27—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 28—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read second time.

Mr. Hill moved that Senate Bills Nos. 28, 29, 30, 31, 32, and 33 be referred to Committee on Finance.

So ordered.

Mr. Davis moved to reconsider the vote by which Senate Bill No. 27 was ordered engrossed.

Vote reconsidered.

Mr. Davis moved to refer the bill to Committee on Finance.

So ordered.

Mr. Hittell moved to reconsider the vote by which Senate Bill No. 14 was ordered to engrossment.

Upon which motion a division of the vote was demanded, and the motion was lost by the following vote: Ayes, 6; noes, 13.

REPORT.

Mr. Pardee (by leave) made the following report:

SENATE CHAMBER, SACRAMENTO, April 18, 1881.

MR. PRESIDENT: Your Committee on Finance beg leave to report, that while considering the item of appropriation for the salary for the State Engineer, the question arose whether there was such a State officer; and your committee request that this question be referred to the Judiciary Committee, with instructions that said committee report their opinion to the Senate to-morrow morning.

Report adopted.

RESOLUTION.

Mr. Johnson moved the adoption of the following resolution:

Resolved, That Senators Cheney, George, and Burt be and they are hereby added to the Finance Committee.

Mr. Hill offered the following amendment to the resolution: Amend by adding the names of Senators Zuck and Glascock as members of the Finance Committee.

Mr. Nye moved to lay the resolution and amendment upon the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Sears, and Zuck—18.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Johnson, Johnston, Kane, Nelson, Pool, Ryan, Traylor, Watson, Wendell, and West—16.

Motion carried.

Mr. Baker moved the adoption of the following:

Resolved, That the Finance Committee be and are hereby instructed to report back the General Appropriation Bill (Assembly Bill No. 11), to-morrow, Tuesday morning.

Upon the adoption of the resolution the roll was called, with the following result:

AYES—Messrs. Baker, Chase, Cheney, Davis, Glascock, Gorman, Hill, Johnson, Kane, Kelly, Moreland, Ryan, Sears, Traylor, Watson, and Zuck—16.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Conger, Harlan, Hittell, Hudson, Johnston, Lampson, Langford, Nelson, Nye, Pardee, Pool, Rowell, Wendell, and West—18.

Lost.

ADJOURNMENT.

Mr. Davis moved to adjourn.

Upon which a division of the vote was demanded, and the motion carried by the following vote: Ayes, 21; noes, 6.

At four o'clock and twenty minutes P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, April 19, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lamson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, April 19, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report correctly engrossed the following Senate bills, viz.:

Senate Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 13—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 14—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 15—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 17—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 18—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 19—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 20—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 21—An Act making an appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 22—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 23—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 24—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 25—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 26—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

GEORGE, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, April 16, 1881. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day appointed as Trustees of the California State Miners' Hospital and Asylum, Solomon Heydenfeldt, San Francisco, for term of two years; George Hearst, San Francisco, for term of two years; B. B. Redding, San Francisco, for term of four years; John Daggett, Siskiyou, for term of four years; Ed. Coleman, Nevada, for term of four years, and respectfully ask your consent thereto.

GEORGE C. PERKINS, Governor.

Mr. Neumann moved to lay the communication over one day.

Upon which, a division of the vote was demanded, and the motion carried by the following vote: Ayes, 17; noes, 15.

SECOND READING OF BILLS.

Assembly Bill No. 11—An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-first fiscal year.

Mr. Hittell moved to lay the bill on the table.

So ordered.

Mr. Satterwhite now moved to reconsider the vote by which Assembly Bill No. 12 was passed on yesterday.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Rowell, Ryan, Wendell, and West—14.

NOES—Messrs. Anderson, Burt, Byrnes, Chase, Cheney, Conger, Davis, George, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Pool, Satterwhite, Sears, Traylor, Watson, and Zuck—22.

The Senate refused to reconsider.

REPORT OF COMMITTEE.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, April 19, 1881.

MR. PRESIDENT: The undersigned of the Judiciary Committee, to which was referred by the Senate the query of the Finance Committee as to whether there is such an office as State Engineer, respectfully report that in their opinion there is such an office.

GROVE L. JOHNSON.
E. A. DAVIS.
W. W. MORELAND.
W. A. CHENEY.
THEODORE H. HITTELL.
GEO. F. BAKER.

Mr. Wendell gave notice that he would file a minority report.

Mr. Traylor moved to take a recess until two o'clock P. M.

So ordered.

RECESS.

At ten o'clock and fifteen minutes A. M., the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and failed to pass by the following vote:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Davis, Dickinson, Harlan, Hittell, Johnston, Kelly, Lampson, Nelson, Neumann, Pool, Traylor, and Watson—17.

NOES—Messrs. Burt, Chase, Enos, Glascock, Gorman, Hill, Hudson, Johnson, Kane, Langford, Moreland, Nye, Pardee, Rowell, Sears, Wendell, West, and Zuck—18.

Mr. Johnson gave notice of motion to reconsider the vote by which the bill failed to pass.

Senate Bill No. 13—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and failed to pass by the following vote:

AYES—Messrs. Anderson, Carlock, Cheney, Davis, Hittell, Johnston, Lampson, Traylor, Watson, and Wendell—10.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Chase, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Sears, West, and Zuck—23.

Mr. Johnson gave notice of motion to reconsider the vote by which the bill failed to pass.

Senate Bill No. 14—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Glascock, Gorman, Harlan, Hittell, Hudson, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, Wendell, and West—28.

NOES—Messrs. Brown, Enos, Hill, Johnson, Johnston, Langford, Traylor, and Zuck—8.

Title read and approved.

Senate Bill No. 15—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Kelly, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Sears, Watson, Wendell, and West—27.

NOES—Messrs. Brown, Enos, Hill, Hudson, Kane, Lampson, Langford, Pardee, Rowell, Traylor, and Zuck—11.

Title read and approved.

Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

On motion of Mr. Wendell, the bill was temporarily passed on file.

Senate Bill No. 17—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Sears, Watson, Wendell, and West—31.

NOES—Messrs. Brown, Hill, Langford, Nelson, Rowell, Traylor, and Zuck—7.

Title read and approved.

Senate Bill No. 18—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, Enos, George, Glascock, Harlan, Hittell, Hudson, Johnston, Kelly, Lampson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Watson, Wendell, and West—27.

NOES—Messrs. Chase, Hill, Johnson, Lane, Moreland, Nelson, Rowell, Traylor, and Zuck—9.

Title read and approved.

Senate Bill No. 19—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Cheney, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Neumann, Nye, Pool, Ryan, Sears, Watson, Wendell, and West—26.

NOES—Messrs. Chase, Enos, Hill, Kane, Moreland, Nelson, Pardee, Rowell, Traylor, and Zuck—10.

Title read and approved.

Senate Bill No. 20—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Neumann, Nye, Pool, Ryan, Sears, Watson, Wendell, and West—24.

NOES—Messrs. Anderson, Enos, Hill, Kane, Lampson, Moreland, Nelson, Pardee, Rowell, Traylor, and Zuck—11.

Title read and approved.

Senate Bill No. 21—An Act making an appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, George, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Neumann, Nye, Pardee, Pool, Ryan, Sears, and Watson—22.

NOES—Messrs. Burt, Chase, Conger, Enos, Glascock, Gorman, Hill, Kane, Lampson, Langford, Moreland, Nelson, Rowell, Satterwhite, Traylor, Wendell, West, and Zuck—18.

Title read and approved.

Senator Cheney granted leave of absence for the remainder of to-day and to-morrow.

Senate Bill No. 22—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and failed to pass by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Conger, Davis, George, Glascock, Harlan, Hittell, Hudson, Johnston, Pool, Ryan, Sears, Watson, and Wendell—16.

NOES—Messrs. Brown, Byrnes, Carlock, Chase, Dickinson, Enos, Gorman, Hill, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Satterwhite, Traylor, West, and Zuck—23.

Mr. Johnson gave notice of a motion to reconsider the vote whereby the bill failed to pass.

Senate Bill No. 23—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, George, Harlan, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—26.

NOES—Messrs. Baker, Chase, Enos, Glascock, Gorman, Hill, Kane, Kelly, Moreland, Nelson, Rowell, and Zuck—12.

Title read and approved.

Senate Bill No. 24—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—31.

NOES—Messrs. Enos, Glascock, Johnson, Langford, Moreland, Nye, Rowell, and Zuck—8.

Title read and approved.

Senate Bill No. 25—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Chase, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hittell, Hudson, Kane, Kelly, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—25.

NOES—Messrs. Carlock, Enos, George, Hill, Johnson, Johnston, Moreland, Nelson, Rowell, Watson, and Zuck—11.

Title read and approved.

Senate Bill No. 26—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Hudson, Johnston, Kelly, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—28.

NOES—Messrs. Baker, George, Hill, Johnson, Kane, Lampson, Moreland, Nelson, and Zuck—9.

Mr. Pardee moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Davis, Dickinson, Enos, Harlan, Hill, Johnson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—21.

NOES—Messrs. Anderson, Brown, Chase, George, Glascock, Gorman, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, and Wendell—17.

Carried.

ADJOURNMENT.

At four o'clock and four minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, April 20, 1881. }

The Senate met pursuant to adjournment.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messes. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORT OF COMMITTEE.

By Mr. Pardee:

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 8, have had the same under consideration, and a majority of the committee recommend that it do pass as amended.

E. H. PARDEE, Chairman.

MINORITY REPORT.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, April 20, 1881.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred the question of the existence of the office of State Engineer, respectfully dissent from the opinion of the majority of said committee and submit the following report:

Inasmuch as the question arises in relation to the salary of the State Engineer as provided for in the Appropriation Bill, we presume that the inquiry has reference to the State Engineer, whose office was created and salary provided for by the Act of March twenty-ninth, eighteen hundred and seventy-eight, entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers."

The first section of that Act reads as follows:

"SECTION 1. The office of State Engineer is hereby created, which shall, before the first day of May, eighteen hundred and seventy-eight, be filled by appointment by the Governor of the State for a term of two years."

It may be admitted that the proper construction of this section, upon which the whole question hinges, is not free from difficulty. Transposing its several parts we have this proposition:

"The office of State Engineer is hereby created for a term of two years which shall before the first day of May, eighteen hundred and seventy-eight, be filled by appointment by the Governor of the State."

Or this:

"The office of State Engineer is hereby created, which shall be filled for a term of two years." How? "By appointment by the Governor of the State." When? "Before the first day of May, eighteen hundred and seventy-eight."

It has been urged that the first part of the section—"The office of State Engineer is hereby created"—was sufficient to create the office, and that the rest of the section might be omitted from consideration. But it is a sufficient answer to this to say that the clause forms part of an entire sentence, and the whole sentence must be taken together in order to ascertain its meaning. The remaining portion of a sentence may materially qualify the meaning which one portion would have if standing alone.

If, as contended, the words "for a term of two years" have no reference to the duration of the office, then we are confronted with the proposition that the Legislature intended to create a permanent office, and at the same time provided no mode for filling it after the expiration of two years; for the filling of the office by appointment by the Governor of the State for a term of two years is to be done "before the first day of May, eighteen hundred and seventy-eight," and hence the office could be but once filled under the Act.

And while an office may possibly exist, though, through confusion of laws, no mode is provided for filling it, yet it would be remarkable, to say the least, if any Legislature should create

so important an office in permanence, provide for filling it for two years, and with the subject-matter directly before them, willfully omit any provision for filling it thereafter. Such a result could scarcely be produced, except by the provisions of different and conflicting laws.

The improbability of such action is a significant fact in determining the intention of the Legislature, as expressed in the section under consideration. It seems to us to afford a legitimate inference that that body intended the term of the office and the officer to be one and the same.

But in construing an Act to determine its meaning and purpose, it is a settled rule that the entire Act is to be taken together, and construed as a whole. (*People vs. Supervisors of San Francisco*, 36 Cal., 602.) By referring, therefore, to the remaining portions of the Act some additional light may be thrown upon the meaning of the first section.

The second section fixes the compensation of the State Engineer at six thousand dollars per year.

The third section says: "The duty of the State Engineer shall be, under the direction of the Governor, to investigate the problems of the irrigation of the plains, the condition and capacity of the great drainage lines of the State, and the improvement of the navigation of rivers."

Section four says: "In order to carry out the purpose specified in section three, it shall be required of the State Engineer to ascertain as nearly as possible the following named facts, and to express opinions as is hereby required."

Then follows an enumeration of the facts to be ascertained, such as the water-carrying capacity of the Sacramento and San Joaquin Rivers; whether it can be increased; if so, the means and cost; to suggest measures for the relief of the rivers and protection of adjoining lands, and give detailed estimates of the cost of suggested works; to ascertain as to change in height of beds of navigable rivers, the causes, whether it is still taking place, and if so what legislation, if any, will be effectual in preventing the rise of the beds, etc.

Also, to ascertain various facts connected with irrigation; also, the relation of hydraulic mining to the navigation of the rivers, and their carrying capacity; the amount and value of agricultural lands overflowed by debris from hydraulic mines; "and to devise a plan whereby the injuries caused thereby can be averted without interfering with the working of such mines."

"In addition to * * * these inquiries * * * to make such other investigations as * * * appear to him * * * necessary, and approved by the Governor, for the proper and complete solution of the problems stated in section three."

The tenth subdivision of section four provides that, inasmuch as the study of these inquiries "may properly be divided, the Governor is authorized to employ, for the purpose of advising and assisting the State Engineer, two consulting Engineers, acquainted with hydraulic engineering," * * * "who shall receive not exceeding three thousand dollars a year each, and who shall join with the State Engineer in making his final report."

It will be observed that no term is fixed nor office created for these "Consulting Engineers." They are merely to be employed as an attorney is employed in a suit, or an architect in the construction of a building. Their duties, as specified, are to advise and assist the State Engineer and join with him in his *final* report. This clearly implies a finality to the Engineer and the Act. The Legislature could hardly have contemplated a series of *final* reports.

Examining the Act, then, to ascertain when the final report spoken of is to be made, we find subdivision twelve of section four reading as follows:

"*Twelfth*—The State Engineer shall make monthly reports, at the close of each calendar month, of the operations of his office in the preceding month, and shall therein mention the operations contemplated in the next ensuing month. On the first of October of each year he shall make to the Governor an annual report of operations during the past year."

The only other reference to a report is in subdivision seventeen, being the concluding portion of the Act, which is as follows:

"*Seventeenth*—On January first, eighteen hundred and eighty, the State Engineer shall report to the Legislature a full statement and history of his operations up to that date, the condition of the inquiry, the important facts that have been ascertained, either accurately or approximately, and the deductions or recommendations which have been justified by the inquiry in regard to the principles which ought to govern in the irrigation of lands, and in relief of the rivers when in flood, with such practical recommendations as he may see fit."

This concludes the Act, and we think it clearly appears that this report of January first, eighteen hundred and eighty, is the "final report" in which the Consulting Engineers are to join.

The Act further authorizes the Governor to appoint a Secretary, to keep the records of the office and make disbursements, who shall give a bond of ten thousand dollars, and receive a salary of two thousand four hundred dollars per annum. Here again no term is fixed.

The State Engineer is further authorized to employ such assistants in the execution of his duties as may from time to time be required, their number and compensation to be approved by the Governor.

"For the purposes of the Act the sum of one hundred thousand dollars, or so much of it as may be necessary to cover the expenses of the operations of two years beginning May first, eighteen hundred and seventy-eight, is appropriated."

Taking the Act, then, as a whole, it appears that legislation upon the subjects involved was its ulterior object and purpose, and that the Act was framed with the view of collecting the necessary information, to be digested by competent Engineers, and some scheme devised by them as a basis for intelligent legislative action. This abundantly appears by reference to various portions of the Act.

The duties of the State Engineer, aside from making the necessary inquiries as specified, are "to suggest measures for the relief of the rivers," etc., and "give detailed estimates of the cost of suggested works;" "to determine what legislation, if any, will be effectual in preventing the rise of the river beds," etc., and to devise a plan whereby the injuries caused by the flow of debris from mines may be averted without interfering with the working of such mines.

All these provisions point to legislation as the desired result. These duties are not recurring or continuous in their character, but rather such as from their nature must come to an end. In fact the Act has none of the features of permanency.

Passed at a time when the floods of eighteen hundred and seventy-eight strongly impressed the public mind with the necessity of prompt legislative action, the Legislature was not likely to create a permanent office for the purpose of extending the inquiries over an indefinite period of time. Legislation, and information upon which to base such legislation, to be secured as speedily as possible, was the desideratum.

No less than one hundred thousand dollars was appropriated, and two Consulting Engineers provided for the purpose of pushing the inquiry to a speedy conclusion.

Further than this the duties imposed upon the State Engineer were largely of a personal nature. It is not likely that one person would have been chosen to conduct the investigation, and another to draw the conclusions. Confusion would have resulted from a change of incumbents in the midst of the inquiry, and when in view of this the Legislature limited the term to two years, while the ordinary term of State officers was four, it is evidence of an intention that the work should be completed within that time. The Act indicates that it is the Engineer who makes the researches, who is to submit his conclusions to the Legislature.

Another very important reason for our conclusion that the office was only created for two years, may be found in the title of this Act.

The principle that in cases of doubt the title may be resorted to as a means of ascertaining the intention of the Legislature, was settled by numerous decisions under the former Constitution of the State. (*People vs. Supervisors of San Francisco*, 36 Cal., 602; *State vs. Conkling*, 19 Cal., 512; *Flynn vs. Abbott*, 19 Cal., 368; *Cohen vs. Barrett*, 5 Cal., 195. See also; *Garrigas vs. B. of C. of Butte County*, 39 Ind., 71; *Burgett vs. Burgett*, 1 Ohio, 180; *Cooley's Constitutional Limit*, p. 141.)

Section twenty-five, article four, of the former Constitution, under which the Act was passed, also contained this provision: "Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title." While this provision had been held to be directory only, yet it is not to be presumed that the Legislature on that account intended to disregard it.

Now, if the Act had intended to incorporate into the governmental system of the State the State Engineer as a permanent officer, with an annual salary exceeding that of any other save the Governor, with two consulting Engineers and a Secretary for assistants, it would be natural to look for some indication of the fact in the title. The Act would naturally have been entitled "An Act to create the office of State Engineer and define the duties thereof," or words to that effect. But to the contrary it contains not the slightest allusion to the State Engineer. The purposes of the Act as specified in the title, to wit: "To provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," could have been accomplished only by legislation which was expected to follow the report of the State Engineer, thus showing that the work of that officer was merely preliminary thereto.

The entire subject was relegated to the Legislature of eighteen hundred and eighty to act upon as it saw fit, with all the light before it which could be given by the State Engineer and the two consulting Engineers after nearly two years of research and the expenditure of one hundred thousand dollars.

The final report was to be made to the next Legislature, January first, eighteen hundred and eighty, in order to afford it sufficient time to act upon it before the close of the session, then three months distant. The Engineer had until the first of May, eighteen hundred and eighty, to close up the affairs of his office, and after that date any moneys appropriated, which remained unexpended, ceased to be subject to the operations of the Act.

We have thus endeavored to ascertain the meaning of the Act in accordance with the well settled rules of construction as laid down by our Supreme Court.

In *State vs. Conkling*, 19 Cal., 512, the Court says: "The object of all construction of statutes is to get at and give effect to the intention of the Legislature. It is not necessary that this intention should be manifested by apt and unambiguous terms, or that it should appear by express words. From the body of an Act and its general scope and spirit, and by looking at the circumstances in the mind of the Legislature, we frequently gather the intended meaning of its acts." * * * "The title of the Act may be considered to determine its intent."

Tested by these rules we are of the opinion, after a careful examination of the entire Act of March twenty-ninth, eighteen hundred and seventy-eight, that it was the intention of the Legislature to create the office of State Engineer for two years only, and that it expired on the first of May, eighteen hundred and eighty.

It was further claimed, however, that if the office was only created for two years by the original Act, yet it had been continued by reference to the State Engineer as an existing office in the Legislature of eighteen hundred and eighty.

These references are: First—In the "Act to promote drainage," where the State Engineer is specified as an officer who shall perform certain duties thereunder, and section thirteen of which provides "that all works carried on under this Act shall be executed under the direction of the State Engineer, who shall be appointed by the Governor."

This rather indicates an intention to create a new office than to recognize one as existing. There was no necessity to provide that the Engineer should be appointed by the Governor, if the Act of eighteen hundred and seventy-eight was in force.

Another reference is in the general appropriation bill, where an appropriation is made to pay the salary of the State Engineer, and for carrying on certain works by him.

The concluding section of the appropriation bill, however, has the following proviso: "*Provided*, that no officer shall use or appropriate any money for any purpose whatsoever, appropriated by this Act, unless authorized thereto by law."

All these Acts were passed while the office of State Engineer still existed, prior to May first, eighteen hundred and eighty. But it appears to us that in no event can they affect the question.

It is the meaning of the Legislature which passed the Act which must govern in its interpretation, and it is for the Courts, and not for subsequent Legislatures, to interpret it.

Nor do these references constitute such a new expression of the legislative will, as to continue in force an Act, which, by its terms, expired in eighteen hundred and eighty. To do so the subject must have been directly presented to the Legislature, and passed upon by it.

The present Constitution is mandatory that each law shall embrace but one subject, which shall be expressed in its title, and neither the Drainage Act nor an appropriation bill could contain a valid provision continuing the Act of March twenty-ninth, eighteen hundred and seventy-eight, in force. Not being germane it would be void.

And further: Section twenty-four, of article four, of the Constitution provides that "no law shall be revised or amended by reference to its title, but in such case the Act revised or section amended shall be reenacted and published at length." The reason is plain. It is to prevent Legislatures from changing existing laws through inadvertence or inattention. The proposed change must be presented to them directly and acted upon deliberately. It was to prevent a system whereby changes were sometimes made which were never within the contemplation of the Legislature. If the Act then could not be amended by reference to its title, so as to continue the office, still less could that be done by a mere mention of the officer's name.

In none of the Acts of eighteen hundred and eighty was the question presented to the Legislature, whether or not it was desirable to continue the Act of March twenty-ninth, eighteen hundred and seventy-eight, in force. If that result was intended words might easily have been found to express it. The Acts of eighteen hundred and eighty at most indicate a misapprehension of the operation of the Act of March twenty-ninth, eighteen hundred and seventy-eight.

We therefore submit that in our opinion the office of State Engineer, created by the Act of March twenty-ninth, eighteen hundred and seventy-eight, does not now exist.

J. F. WENDELL,
JOHN W. SATTERWHITE,
JOHN S. ENOS.

Mr. Johnson, pursuant to previous notice given, now moved to reconsider the vote by which Senate Bill No. 12 failed to pass.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Harlan, Hittell, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Pool, Ryan, Traylor, Watson, Wendell, and West—24.

NOES—Messrs. Anderson, Burt, Enos, Glasecock, Gorman, Hill, Hudson, Kane, Langford, Moreland, Nye, Rowell, Sears, and Zuck—14.

Vote reconsidered.

Upon the passage of the bill the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Harlan, Hittell, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Pool, Ryan, Traylor, Watson, Wendell, and West—25.

NOES—Messrs. Burt, Enos, Glasecock, Gorman, Hill, Hudson, Kane, Langford, Moreland, Nye, Rowell, Sears, and Zuck—13.

Bill passed.

Title read and approved.

Mr. Johnson, pursuant to previous notice given, now moved to reconsider the vote by which Senate Bill No. 13 failed to pass.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hittell, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Pool, Ryan, Traylor, Watson, and Wendell—22.

NOES—Messrs. Anderson, Burt, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Langford, Moreland, Nye, Rowell, Sears, West, and Zuck—16.

Vote reconsidered.

The bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hittell, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Pool, Ryan, Traylor, Watson, and Wendell—23.

NOES—Messrs. Burt, Enos, Glascock, Gorman, Harlan, Hudson, Kane, Langford, Moreland, Nye, Rowell, Sears, West, and Zuck—14.

Title read and approved.

Mr. Johnson, pursuant to previous notice given, now moved to reconsider the vote by which Senate Bill No. 22 failed to pass.

Vote reconsidered.

Mr. Johnson moved to recommit the bill to the Finance Committee, with instructions to insert six hundred dollars in the place of four hundred dollars.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnson, Johnston, Kelly, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, and West—27.

NOES—Messrs. Glascock, Hill, Kane, Moreland, Nelson, Pardee, Rowell, Traylor, and Zuck—9.

Bill recommitted.

CONSIDERATION OF THE GOVERNOR'S APPOINTMENTS.

Upon the question, "Will the Senate advise and consent to the appointment of Solomon Heydenfeldt as Trustee of the California State Miners' Hospital and Asylum, for the term of two years?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—Mr. Conger—1.

The President pro tem. declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of George Hearst as Trustee of the California State Miners' Hospital and Asylum for the term of two years?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—Mr. Conger—1.

The President pro tem. declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of B. B. Redding as Trustee of the California State Miners' Hospital and Asylum for the term of four years?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—Mr. Langford—1.

The President pro tem. declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John Daggett as Trustee of the California State Miners' Hospital and Asylum, for the term of four years?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

The President pro tem. declared the appointment confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Ed. Coleman as Trustee of the California Miners' Hospital and Asylum for the term of four years?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

The President pro tem. declared the appointment confirmed.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

FRANK J. HIGGINS, Assistant Clerk.

Mr. Dickinson moved to take up the Appropriation Bill.

So ordered.

Mr. Pardee reported back Senate Bill No. 22, amended as per instructions of the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 8—An Act making appropriation for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

Read second time.

RESOLUTION.

Mr. West (by leave) introduced the following resolution:

Resolved, That the Committee on Judiciary be requested to examine and report to the Senate their opinion in regard to the constitutionality of lines one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and

thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, and one hundred and forty; also, one hundred and seventy, two and one hundred and seventy-three; also, lines two hundred and twelve and two hundred and nineteen, printed copy.

Mr. Baker moved to lay the resolution on the table.

Upon which motion the ayes and noes were demanded by Messrs. Neumann, Brown, and Glascock, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Cheney, Conger, Dickinson, George, Glascock, Gorman, Johnson, Johnston, Nelson, Ryan, Sears, T aylor, Watson, Wendell, and Zuck—18.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Davis, Enos, Harlan, Hall, Hittell, Hudson, Kane, Lampton, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, and West—20.

Motion lost.

Mr. Baker moved to amend the resolution by adding instruction to the committee to report it back at two o'clock P. M.

Motion lost.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Neumann, Pardee, and Conger, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, George, Harlan, Kane, Moreland, Pardee, Pool, and West—10.

NOES—Messrs. Baker, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Hall, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Rowell, Ryan, Satterwhite, Sears, T aylor, Watson, Wendell, and Zuck—24.

Resolution lost.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, April 20, 1881.

MR. PRESIDENT: The Committee on Engraving have examined and found correctly engrossed Senate Bill No. 22—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

WM. GEORGE, Chairman.

Consideration of Assembly Bill No. 8 resumed.

Committee amendments to lines ninety-one and one hundred and seven, printed bill, adopted.

Mr. Neumann moved to amend line one hundred and nine, printed bill, by striking out five thousand dollars and inserting three thousand six hundred dollars.

RECESS.

Pending consideration of the amendments to line one hundred and nine, printed bill, the hour having arrived, the President pro tem. declared a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

On motion of Mr. Hittell, temporarily passed on file.

ASSEMBLY BILL NUMBER EIGHT—RESUMED.

Upon the adoption of amendment offered by Mr. Neumann, pending at recess, the roll was called, with the following result:

AYES—Messrs. Byrnes, Gorman, Johnson, Kane, Kelly, Neumann, and Ryan—7.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Davis, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—24.

Amendment lost.

Committee amendment to line one hundred and nine, printed bill, adopted.

Upon the adoption of the committee amendment to strike out lines one hundred and twenty-five and one hundred and twenty-six, printed bill, the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Glascock, Hill, Kane, Moreland, Nye, Sears, Traylor, Wendell, and Zuck—11.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, and West—25.

Senate refused to strike out.

Pending roll call, Mr. Brown stated that he was paired with Mr. Cheney.

Committee amendments to strike out lines one hundred and twenty-nine and one hundred and thirty, printed bill, rejected.

Upon the adoption of amendment of committee to strike out lines one hundred and thirty-one and one hundred and thirty-two, printed bill, the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Langford, Moreland, Neumann, Pardee, Sears, Traylor, Wendell, West, and Zuck—23.

NOES—Messrs. Anderson, Baker, Davis, George, Gorman, Johnson, Lampson, Nye, Pool, Rowell, Ryan, and Satterwhite—12.

Amendment adopted.

Mr. Enos moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Hill, Hittell, Johnson, Lampson, Langford, Pool, Satterwhite, Wendell, West, and Zuck—12.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnston, Kane, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Sears, and Traylor—24.

Motion lost.

Mr. Kane moved to adjourn.

Lost.

Upon the adoption of committee amendment to strike out lines one hundred and thirty-three and one hundred and thirty-four, printed bill, the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, Glascock, Gorman, Hill, Hudson, Johnston, Kane, Langford, Moreland, Neumann, Pardee, Sears, Traylor, Wendell, and Zuck—21.

NOES—Messrs. Anderson, Baker, Davis, George, Harlan, Hittell, Johnston, Lampson, Nye, Pool, Rowell, Ryan, Satterwhite, Watson, and West—15.

Amendment adopted.

ADJOURNMENT.

At five o'clock and twenty minutes P. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, April 21, 1881. }

The Senate met pursuant to adjournment.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

RESOLUTION.

Mr. Johnson (by leave) introduced the following resolution:

Resolved, That the Finance Committee be and it is hereby directed to report back all bills in its possession to-morrow morning.

Adopted.

SECOND READING OF BILLS.

Consideration of Assembly Bill No. 8, resumed.

Upon the adoption of committee amendment to strike out lines one hundred and thirty-five, one hundred and thirty-six, and one hundred and thirty-seven, printed bill, the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Chase, Enos, Hill, Hittell, Hudson, Kane, Moreland, Nelson, Neumann, Pardee, Sears, Traylor, Wendell, West, and Zuck—17.

NOES—Messrs. Anderson, Baker, Byrnes, Carlock, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Johnson, Johnston, Lampson, Langford, Nye, Pool, Rowell, and Ryan—19.

Senate refused to strike out.

Upon the adoption of committee amendment to strike out lines one hundred and thirty-eight and one hundred and thirty-nine, printed bill, the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Davis, George, Glascock, Hill, Hittell, Hudson, Johnston, Kane, Moreland, Neumann, Pardee, Rowell, Sears, Traylor, Wendell, and Zuck—22.

NOES—Messrs. Anderson, Cheney, Conger, Enos, Gorman, Harlan, Johnson, Langford, Nelson, Pool, Ryan, Watson, and West—13.

Amendment adopted.

Upon the adoption of committee amendment to strike out lines one hundred and forty and one hundred and forty-one, printed bill, the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Davis, Enos, George, Glascock, Hill, Hittell, Hudson, Johnston, Kane, Moreland, Neumann, Pardee, Rowell, Satterwhite, Traylor, Wendell, and Zuck—22.

NOES—Messrs. Anderson, Baker, Cheney, Conger, Gorman, Harlan, Johnson, Langford, Nelson, Nye, Pool, Ryan, Watson, and West—14.

Amendment adopted.

Committee amendment to lines one hundred and forty-two and one hundred and forty-three, printed bill, adopted.

Upon the adoption of committee amendment to lines one hundred and forty-five and one hundred and forty-six, printed bill, the roll was called, with the following result:

AYES—Messrs. Burt, Davis, Glascock, Hill, Lampson, Langford, Nelson, Rowell, Sears, Traylor, Wendell, and Zuck—12.

NOES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Cheney, Conger, George, Gorman, Harlan, Hudson, Johnson, Johnston, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Watson, and West—21.

Amendment lost.

Upon the adoption of the committee amendment to strike out lines one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight, the ayes and noes were demanded by Messrs. Traylor, Neumann, and Brown, and the President pro tem. ordered the Secretary to call the roll.

Mr. Neumann moved that Senators be allowed to discuss the amendment.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Davis, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Wendell, and West—29.

NOES—Messrs. Brown, Chase, Cheney, Conger, George, Gorman, Watson, and Zuck—8.

Motion carried.

RECESS.

At twelve o'clock and ten minutes P. M., on motion of Mr. Zuck, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.
President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, T aylor, Watson, Wendell, West, and Zuck.

Quorum present.

REPORT OF COMMITTEE.

By Mr. Pardee:

SENATE CHAMBER, SACRAMENTO, April 21, 1881.

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bills Nos. 27, 28, 29, 30, 31, 32, and 33, report the same back and recommend that they do pass.

PARDEE, Chairman.

THIRD READING OF BILLS.

Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

On motion of Mr. Hittell, passed on file.

Senate Bill No. 22—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Burt, Carlock, Chase, Cheney, Conger, Davis, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Pardee, Pool, Rowell, Ryan, Sears, T aylor, Watson, Wendell, and West—24.

NOES—Messrs. Hill, Kane, Moreland, Nelson, and Zuck—5.

Title read and approved.

SECOND READING OF BILLS.

Consideration of Assembly Bill No. 8, resumed.

The question recurred upon the amendment of committee to strike out lines one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight, printed bill.

Pending the consideration of the amendment, Mr. Johnson moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Carlock, Cheney, Conger, Davis, Dickinson, George, Glasecock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Moreland, Nelson, Pool, Satterwhite, Watson, West, and Zuck—22.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Chase, Enos, Hittell, Lampson, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, T aylor, and Wendell—17.

Motion carried.

ADJOURNMENT.

At five o'clock P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, April 22, 1881. }

The Senate met pursuant to adjournment.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 14—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 15—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 17—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 18—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 19—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 20—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 21—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 23—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 24—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 26—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, on April twentieth amended, and on this day passed as amended, Senate Bill No. 25—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

FRANK J. HIGGINS, Assistant Clerk.

Assembly amendment to Senate Bill No. 25 concurred in by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Kelly, Moreland, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—28.

NOES—Messrs. Baker, Johnson, Kane, Lampson, and Zuck—5.

SECOND READING OF BILLS.

Mr. Johnson moved to temporarily pass Assembly Bill No. 8.

Upon which a division of the vote was demanded, and the motion prevailed by the following vote: Ayes, 17; noes, 9.

Senate Bill No. 27—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 28—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 29—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 30—An Act making appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 31—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 32—An Act making appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read second time and ordered engrossed.

Senate Bill No. 33—An Act making appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read second time and ordered engrossed.

Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

The question recurred upon the committee amendment to strike out lines one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight, printed bill.

Senator Chase in the chair.

RECESS.

Pending consideration of the amendment, the hour having arrived, the President pro tem. declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. Johnston in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

On motion of Mr. Johnson, temporarily passed on file.

SECOND READING OF BILLS.

Consideration of Assembly Bill No. 8 resumed.

Upon the adoption of the committee amendment to strike out lines one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Satterwhite, Sears, Traylor, Wendell, and Zuck—25.

NOES—Messrs. Baker, Burt, Chase, Cheney, Conger, George, Johnson, Pool, Rowell, Watson, and West—11.

During the calling of the roll Mr. Davis stated he was paired with Mr. Neumann; he would vote "no," and Mr. Neumann would vote "aye."

Amendment adopted.

REPORT OF COMMITTEE.

SENATE CHAMBER, SACRAMENTO, April 22, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 14, 15, 17, 18, 19, 20, 21, 23, 24, and 26, and that the same have this day been placed in the hands of the Governor, at two o'clock and ten minutes P. M.

HUDSON, Chairman.

ADJOURNMENT.

Mr. Enos moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Conger, Enos, Glascock, Hill, Hittell, Johnson, Kane, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Satterwhite, Sears, Watson, Wendell, West, and Zuck—23.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Cheney, Davis, Dickinson, George, Gorman, Harlan, Hudson, Kelly, Rowell, Ryan, and Traylor—15.

Motion carried.

At five o'clock and fifteen minutes P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, April 23, 1881. }

The Senate met pursuant to adjournment.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORT OF COMMITTEE.

By Mr. George :

SENATE CHAMBER, SACRAMENTO, April 22, 1881.

MR. PRESIDENT: The Committee on Engrossment report that they have examined and found correctly engrossed the following Senate bills:

Senate Bill No. 27—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 28—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 29—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 30—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 31—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 32—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 33—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

GEORGE, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 13—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

FRANK J. HIGGINS, Assistant Clerk.

Mr. Moreland moved that Senator Rowell have leave to introduce a resolution.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Enos, and Carlock, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Enos, Glascock, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—25.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Dickinson, George, Harlan, Johnson, Nye, Sears, Traylor, and Watson—12.

Not having received a two-thirds vote, the President pro tem. declared the motion lost.

Mr. Baker asked leave to explain his vote.

Mr. West raised objections thereto.

The President declared Mr. Baker in order.

Mr. West appealed from the decision of the Chair.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Chase, and Cheney, and the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Harlan, Hill, Hittell, Hudson, Johnson, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Wendell, and Zuck—25.

NOES—Messrs. Chase, Enos, Glascock, Gorman, Kane, Kelly, Nelson, Ryan, Watson, and West—10.

Decision of the Chair sustained.

Mr. Enos moved that the Finance Committee be granted until next Tuesday to report back Assembly Bill No. 10.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Harlan, Johnston, Kane, Lampson, Nye, Pardee, Rowell, and Satterwhite—10.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, George, Gorman, Hill, Hudson, Johnson, Kelly, Moreland, Pool, Ryan, Sears, Wendell, West, and Zuck—20.

Motion lost.

SECOND READING OF BILLS.

Consideration of Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years—resumed.

The question recurring upon the amendment of the committee to strike out line one hundred and sixty-nine, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—29.

NOES—Messrs. Johnson, Pool, and Ryan—3.

Amendment adopted.

Upon the adoption of the committee amendment to strike out lines one hundred and seventy-two and one hundred and seventy-three, printed bill, the roll was called, with the following result:

AYES—Messrs. Chase, George, Hill, Hudson, Kane, Kelly, Moreland, Rowell, Satterwhite, Sears, Traylor, Wendell, and Zuck—13.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Conger, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Lampson, Nye, Pardee, Pool, Ryan, and West—18.

Amendment lost.

Committee amendment to line one hundred and eighty, printed bill, adopted.

Senator West in the chair.

Upon the committee amendment to strike out line one hundred and ninety-one, printed bill, the roll was called, with the following result:

AYES—Messrs. Kane and Kelly—2.

NOES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck—30.

Amendment lost.

Senator Brown in the chair.

Mr. Johnson moved that the hour of recess be extended until the pending amendment is disposed of.

Upon which motion a division of the vote was demanded, and the motion failed by the following vote: Ayes, 17; noes, 18.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, April 23, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 13 and 25, and that the same have this day been placed in the hands of the Governor, at the hour of eleven o'clock and ten minutes A. M.

HUDSON, Chairman.

RECESS.

At twelve o'clock and thirty minutes P. M. the Chair declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

Senator Brown in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampton, Moreland, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck.

Quorum present.

REPORT OF COMMITTEE.

By Mr. Pardee:

SENATE CHAMBER, SACRAMENTO, April 23, 1881.

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 10, report the same back with amendments.

PARDEE, Chairman.

THIRD READING OF BILLS.

Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

REPORT OF COMMITTEE.

By Mr. Pardee:

SENATE CHAMBER, SACRAMENTO, April 23, 1881.

MR. PRESIDENT: Your Finance Committee, who were directed to inquire into the items which make up the Supreme Court deficiency bill, being Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year, beg leave to report that the Supreme Court Clerk, Hon. Frank W. Gross, makes the following statement of the expenses of the Supreme Court, viz.:

Rent in San Francisco, per month	\$400 00
Rent in Los Angeles, per month	150 00
Janitors in San Francisco, per month	200 00
Janitors in Los Angeles, per month	25 00
Librarian in San Francisco, per month	50 00
Gas, per month	30 00
Water in Los Angeles, per month	5 00
Night Watchman in San Francisco	25 00
Total	\$885 00

Traveling expenses, fourteen persons to Los Angeles, at \$60 each, \$840 per term, two terms	\$1,680 00
Fourteen persons to Sacramento, at \$10 each, \$140 per term, two terms	280 00
Expressage on records, etc.	500 00
Telegraphing	250 00
Fuel, San Francisco and Los Angeles	600 00
Ice, maps, brooms, coal buckets, etc.	400 00
Repairs, furniture, carpets, etc.	600 00
Total	\$4,310 00
Salaries, etc., per annum	10,620 00
Total	\$14,930 00

Dividing this annual expense by twelve makes the regular monthly expenses \$1,244 16 $\frac{2}{3}$.

He also reports that the following expenses were necessarily incurred in moving the Court, and furnishing new Court-rooms in San Francisco, viz.:

J. H. G. Meyer, gavel	\$33 50
Geo. Walcom, furniture	32 00
L. & E. Emanuel, furniture	93 00
L. & E. Emanuel, furniture	2,750 00
B. M. Martin, gasfitting	152 10
Frank M. Barker, labor	110 00
D. Samuels, drygoods	59 00
F. W. Gross, cash paid for labor	185 50
Chas. M. Judd, carpenter work	892 50
J. Spaulding & Co., carpet cleaning	32 55
J. McHenry, hauling	71 50
B. Nathan & Co., crockery	122 75
D. L. Farnsworth, hauling	90 00
California electric works, enunciator	93 00
Jos. Lipman, clocks	140 00
W. W. Montague & Co., hardware	55 40
Osborne & Alexander, locks	13 50
Hugh Duffy, laying carpets	77 00
A. F. Nye & Co., gas fixtures	530 18
Jos. W. Burnham & Co., carpets	330 51
L. & E. Emanuel, furniture	62 50
Jos. W. Burnham & Co., oilcloth	7 31
C. M. Judd, carpenter work	46 00
A. F. Nye & Co., gas fixtures	35 00
John C. Meldo, locksmith	65 35
E. M. Gallager, painting	160 35
Total	\$6,240 50

Deducting this amount, \$6,240 50, from the appropriation of \$10,000 made in eighteen hundred and eighty by the Legislature, for the expenses of the Supreme Court, leaves a balance of but \$3,859 50 applicable for the current expenses of the Court for the thirty-second fiscal year, which as before stated are \$1,244 16 per month, or \$14,930 per year. The balance thus left was exhausted in October, eighteen hundred and eighty. The appropriation of \$10,300 asked for in Senate Bill No. 16 is needed therefore to pay said current expenses from October, eighteen hundred and eighty, to July first, eighteen hundred and eighty-one, a period of nearly nine months.

E. H. PARDEE, Chairman of Finance Committee.

The bill passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glaseock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Wendell, and West—26.

NOES—Messrs. Hill, Kane, Rowell, Traylor, Watson, and Zuck—6.

Title read and approved.

Senate Bill No. 27—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Wendell, and West—30.

NOES—Messrs. Rowell, Watson, and Zuck—3.

Title read and approved.

Senate Bill No. 28—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—28.

NOES—Messrs. Glaseock, Hill, Lampson, Moreland, Rowell, Watson, and Zuck—7.

Title read and approved.

Senate Bill No. 29—An Act making appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—23.

NOES—Messrs. George, Glascock, Gorman, Hill, Kane, Lampson, Moreland, Rowell, Watson, and Zuck—10.

Title read and approved.

Senate Bill No. 30—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Gorman, Harlan, Hittell, Johnson, Johnston, Kelly, Lampson, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Wendell, and West—25.

NOES—Messrs. George, Glascock, Hill, Kane, Moreland, Rowell, Watson, and Zuck—8.

Title read and approved.

Senate Bill No. 31—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Nye, Pardee, Pool, Ryan, Wendell, and West—24.

NOES—Messrs. Chase, Glascock, Kane, Moreland, Rowell, Satterwhite, Watson, and Zuck—8.

Title read and approved.

Leave of absence granted to Senator Dickinson until Monday.

Senate Bill No. 32—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Wendell, and West—24.

NOES—Messrs. George, Glascock, Gorman, Hill, Lampson, Moreland, Rowell, Watson, and Zuck—9.

Title read and approved.

Leave of absence granted Senator Traylor until Monday.

Senate Bill No. 33—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Wendell, and West—25.

NOES—Messrs. George, Glascock, Gorman, Hill, Lampson, Moreland, Rowell, Watson, and Zuck—9.

Title read and approved.

Mr. Pardee moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Chase, Hudson, Johnson, Pool, Satterwhite, and West—6.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Rowell, Ryan, Sears, Watson, Wendell, and Zuck—27.

Motion lost.

Mr. Baker moved a call of the Senate.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Baker, and Satterwhite, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Cheney, Conger, George, Glascock, Hill, Johnson, Kane, Lampson, Moreland, Nelson, Pardee, Pool, Wendell, and West—17.

NOES—Messrs. Anderson, Brown, Chase, Davis, Gorman, Harlan, Hudson, Johnston, Kelly, Nye, Rowell, Ryan, Satterwhite, Sears, Watson, and Zuck—16.

Motion carried.

The following Senators were absentees: Messrs. Byrnes, Enos, and Langford.

On motion of Mr. Hittell, Senator Langford was excused.

Mr. Ryan moved that further proceedings under the call be dispensed with.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Conger, Davis, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Nye, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Baker, Burt, Glascock, Johnson, Kane, Lampson, Moreland, Nelson, Pardee, and Pool—10.

Motion carried.

Mr. Pardee moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Chase, Cheney, Hudson, Johnson, Kane, Nelson, Pardee, Pool, Satterwhite, Watson, Wendell, and West—14.

NOES—Messrs. Brown, Carlock, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Nye, Rowell, Ryan, Sears, and Zuck—20.

Motion lost.

Leave of absence granted Senators Kane and Hudson, until two o'clock P. M. on Monday.

Mr. Johnson moved that Senator Chase be granted leave of absence until Monday, at two o'clock P. M.

So ordered.

Mr. Pardee moved to adjourn, upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Carlock, Cheney, Johnson, Nelson, Nye, Pool, Satterwhite, Watson, Wendell, and West—11.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Pardee, Rowell, Ryan, Sears, and Zuck—21.

Motion lost.

Senator Pool was granted leave of absence until Monday.

SECOND READING OF BILLS.

Consideration of Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years, resumed.

The question recurred upon the adoption of committee amendment to line one hundred and ninety-eight, printed bill.

Upon which motion the roll was called, with the following result :

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Hill, Johnson, Johnston, Kelly, Nelson, Ryan, Satterwhite, and Watson—15.

NOES—Messrs. Anderson, Burt, George, Glascock, Gorman, Harlan, Hittell, Lampson, Moreland, Pardee, Rowell, Sears, West, and Zuck—14.

Amendment adopted.

Pending roll-call the following Senators announced that they were paired, as follows: Mr. Wendell with Mr. Chase—the former would vote “aye,” and the latter “no;” Mr. Rowell with Mr. Traylor—the former would vote “no,” and the latter “aye;” Mr. Nye with Mr. Dickinson—the former would vote “no,” and the latter “aye.”

President pro tem. in the chair.

Upon the adoption of the committee amendment to line two hundred and twelve, printed bill, the roll was called, with the following result:

AYES—Messrs. Glascock, Moreland, Sears, and Wendell—4.

NOES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Cheney, Conger, Davis, George, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Nye, Pardee, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—24.

Amendment lost.

Upon the adoption of committee amendment to strike out lines two hundred and thirteen and two hundred and fourteen, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, George, Glascock, Gorman, Harlan, Hill, Johnston, Lampson, Moreland, Sears, Wendell, and Zuck—15.

NOES—Messrs. Baker, Carlock, Cheney, Conger, Davis, Hittell, Johnson, Kelly, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, Watson, and West—16.

Amendment lost.

Mr. West moved the adoption of the following as a substitute for the committee amendment to strike out lines two hundred and nineteen and two hundred and twenty, printed bill, viz.: “For furnishing Branch State Normal School at Los Angeles, two thousand five hundred dollars. For support of Branch State Normal School at Los Angeles for the thirty-fourth fiscal year, seven thousand five hundred dollars.”

Upon the adoption of the substitute, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Cheney, Conger, Davis, Gorman, Harlan, Hill, Johnson, Nye, Pardee, Rowell, Ryan, Watson, West, and Zuck—16.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Glascock, Johnston, Kelly, Moreland, Sears, and Wendell—10.

Substitute adopted.

Upon the adoption of committee amendment to strike out line two hundred and twenty-one, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Conger, Davis, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Moreland, Nye, Pardee, Satterwhite, Sears, Wendell, and Zuck—20.

NOES—Messrs. Brown, Cheney, George, Hill, Kelly, Lampson, Nelson, Ryan, and Traylor—9.

Amendment adopted.

Committee amendments to section three, printed bill, adopted.

Mr. Baker moved the adoption of the following amendment: Amend line two hundred and twelve by adding the words "for the thirty-third fiscal year."

Adopted.

Mr. Hill moved the adoption of the following as a new section, to be known as section five:

SEC. 5. The sums that are herein appropriated for the various agricultural societies named in this Act, shall be paid to said societies only upon the following conditions: Upon the presentation of the certificate of the President and Secretary of either of the agricultural societies named above, to the State Controller, that such sums have been expended in premiums at a fair held during the year eighteen hundred and eighty-one, or in eighteen hundred and eighty-two, the Controller shall draw his warrant on the Treasurer in favor of such society for the amount appropriated to such society, and the Treasurer shall pay the same. The money so drawn by each society shall be used for the purpose of paying premiums for the different kinds of live stock, and the various agricultural, mineral, mechanical, and manufacturing products of the State, and no part whatever shall be given, in any contingency, in purses for horse-racing.

Upon its adoption the ayes and noes were demanded by Messrs. Pardee, Ryan, and Hittell, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, George, Glascock, Gorman, Hill, Johnson, Johnston, Nelson, Rowell, Wendell, West, and Zuck—13.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Hittell, Kelly, Lampson, Nye, Pardee, Ryan, Sears, and Watson—15.

Amendment lost.

Mr. Sears moved the adoption of the following substitute for lines one hundred and forty-two and one hundred and forty-three: For support of State Prison at San Quentin, one hundred and sixty thousand dollars for the thirty-third fiscal year. For the support of the State Prison at San Quentin, one hundred thousand dollars for the thirty-fourth fiscal year.

Mr. Baker moved the adoption of the following as an amendment to the amendment: Amend line one hundred and forty-three of section one, printed bill, by adding the following: "*Provided*, that no part of said sum shall be used for any purpose whatever, except for payment of salaries of employes, and for subsistence of employes and prisoners."

Upon the adoption of the amendment to the amendment, the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Glascock, Johnson, Johnston, Ryan, and West—9.

NOES—Messrs. Anderson, Burt, Byrnes, Conger, Davis, George, Gorman, Harlan, Hill, Hittell, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Rowell, Satterwhite, Sears, Watson, Wendell, and Zuck—22.

Amendment lost.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, April 25, 1881. }

The Senate met pursuant to adjournment.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Pardee, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

Leave of absence granted Senator Nye for the day.

Mr. Baker asked leave to introduce a resolution.

Leave refused.

Mr. Davis moved that Assembly Bill No. 10 be referred to the Judiciary Committee, with instructions to examine as to whether or not the tax levy is in legal form, and report it back to-morrow morning.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Moreland, Nelson, Pardee, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—20.

NOES—Messrs. Baker, Burt, Byrnes, Cheney, George, Johnson, and Watson—7.

Motion carried.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

FRANK J. HIGGINS, Assistant Clerk.

SECOND READING OF BILLS.

Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

The question recurred upon the pending amendment of Mr. Sears, as follows: Substitute for lines one hundred and forty-two and one hundred and forty-three: "For support of State Prison at San Quentin, one hundred and sixty thousand dollars for the thirty-third fiscal year. For the support of the State Prison at San Quentin, one hundred thousand dollars for the thirty-fourth fiscal year."

Adopted.

Mr. Johnson moved the adoption of the following amendment: Amend section one by adding thereto as follows: "For expenses of actions in State and Federal Courts to test the right of hydraulic miners to run their tailings into the navigable waters of the State,

five thousand dollars. This appropriation to be expended under the direction of the State Board of Examiners.

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Baker, Cheney, Conger, Davis, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Nelson, and Rowell—12.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, George, Hittell, Moreland, Pardee, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—15.

Amendment lost.

Mr. Watson moved the previous question.

Not seconded by a majority of Senators.

Mr. Hill moved the adoption of the following amendment: Amend line twenty-three, on page two, printed bill, by striking out "four thousand dollars," and inserting "three thousand two hundred dollars."

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Glascock, Gorman, Hill, Kelly, Moreland, Pardee, Rowell, Satterwhite, Sears, West, and Zuck—14.

NOES—Messrs. Anderson, Brown, Cheney, Conger, Davis, George, Harlan, Hittell, Johnson, Johnston, Ryan, Watson, and Wendell—13.

Amendment adopted.

Mr. Hill moved the adoption of the following amendment: Amend line thirty-one, page two, printed bill, by striking out "four thousand dollars," and inserting "three thousand two hundred dollars."

Upon which the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Glascock, Gorman, Harlan, Hill, Moreland, Pardee, Rowell, Satterwhite, Sears, West, and Zuck—13.

NOES—Messrs. Anderson, Brown, Byrnes, Cheney, Conger, Davis, George, Hittell, Johnson, Johnston, Kelly, Lampson, Ryan, Watson, and Wendell—15.

Amendment lost.

Mr. Kelly now moved to reconsider the vote whereby "four thousand dollars" was stricken out, in line twenty-three, page two, and "three thousand two hundred dollars" was inserted.

Upon which motion the ayes and noes were demanded by Messrs. Kelly, Cheney, and Ryan, and the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Cheney, Conger, Davis, George, Harlan, Hittell, Johnson, Johnston, Kelly, Lampson, Ryan, Watson, and Wendell—16.

NOES—Messrs. Baker, Burt, Carlock, Glascock, Gorman, Hill, Moreland, Pardee, Rowell, Satterwhite, Sears, West, and Zuck—13.

Motion carried.

The question being upon the adoption of the said amendment to line twenty-three, the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Glascock, Gorman, Hill, Moreland, Pardee, Rowell, Satterwhite, Sears, West, and Zuck—13.

NOES—Messrs. Anderson, Brown, Byrnes, Cheney, Conger, George, Harlan, Hittell, Johnson, Johnston, Kelly, Lampson, Ryan, Watson, and Wendell—15.

Amendment lost.

Mr. Zuck moved the adoption of the following amendment: Amend line seventy-two, page three, printed bill, by striking out "five thousand dollars" and insert "three thousand two hundred dollars."

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Glascock, Hill, Johnston, Moreland, Nelson, Satterwhite, Sears, West, and Zuck—11.

NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Conger, Davis, George, Gorman, Harlan, Hittell, Johnson, Kelly, Lampson, Pardee, Rowell, Ryan, Watson, and Wendell—19.

Amendment lost.

Mr. Ryan moved to strike out lines one hundred and eighty-three and one hundred and eighty-four, page seven, printed bill.

Mr. Cheney moved to take a recess until two o'clock p. m.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Cheney, Conger, Davis, George, Hill, Hittell, Johnson, Lampson, Nelson, Pardee, and Satterwhite—12.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Glascock, Gorman, Harlan, Johnson, Kelly, Moreland, Rowell, Ryan, Sears, Watson, Wendell, West, and Zuck—18.

Motion lost.

Mr. Ryan withdrew his amendment.

Mr. Johnson moved to amend line two hundred and eighteen, page eight, printed bill, by striking out the word "ten," and inserting in lieu thereof the word "twelve."

Upon its adoption, the ayes and noes were demanded by Messrs. Burt, Gorman, and Johnson.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Cheney, Davis, Hittell, Johnson, and Johnston—6.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Conger, George, Glascock, Gorman, Harlan, Hill, Kelly, Lampson, Moreland, Nelson, Pardee, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—24.

Motion lost.

Mr. Wendell moved to amend line seventy-eight, page four, printed bill, by adding, after the word "dollars," the words, "provided that the whole amount may be expended in either of the fiscal years."

Adopted.

Mr. Johnson moved to take a recess until two o'clock p. m.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Cheney, Conger, Harlan, Hill, Hittell, Johnson, Lampson, Nelson, Pardee, Satterwhite, Sears, Wendell, and West—15.

NOES—Messrs. Baker, Burt, Brown, Carlock, Davis, George, Glascock, Gorman, Johnson, Kelly, Moreland, Rowell, Ryan, Watson, and Zuck—15.

Motion lost.

Mr. Conger moved to strike out line one hundred and sixty-five, printed bill.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Conger, Glascock, Gorman, Harlan, Johnson, Pardee, Satterwhite, Sears, Wendell, and Zuck—12.

NOES—Messrs. Anderson, Burt, Byrnes, Carlock, Cheney, Davis, George, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Nelson, Rowell, Ryan, Watson, and West—18.

Amendment lost.

Mr. Johnson moved to take a recess until two o'clock p. m.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Conger, George, Glascock, Gorman, Hill, Hittell, Johnson, Kelly, Moreland, Pardee, Rowell, Satterwhite, Sears, Wendell, and West—16.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Davis, Harlan, Johnston, Lampson, Nelson, Ryan, Watson, and Zuck—14.

Motion carried.

RECESS.

At twelve o'clock M. the President pro tem. declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. Johnston in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

Consideration of Assembly Bill No. 8 resumed.

Mr. Hill moved to reconsider the vote by which the amendment to strike out line one hundred and sixty-five, printed bill, was rejected.

Mr. Brown moved to lay the motion on the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Carlock, Cheney, Davis, Dickinson, George, Hittell, Kelly, Lampson, Langford, Pool, Ryan, Watson, and West—15.

NOES—Messrs. Anderson, Baker, Brown, Chase, Conger, Glasecock, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Moreland, Pardee, Rowell, Satterwhite, Sears, Wendell, and Zuck—19.

Motion lost.

REPORT OF COMMITTEE.

By Mr. Burt:

SENATE CHAMBER, SACRAMENTO, April 25, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 12, and that the same has this day been placed in the hands of the Governor, at two o'clock P. M.

BURT, for the Committee.

The question now recurred upon the motion of Senator Hill to reconsider.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Conger, Glasecock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Pardee, Rowell, Satterwhite, Sears, Wendell, and Zuck—19.

NOES—Messrs. Burt, Byrnes, Carlock, Chase, Cheney, Davis, George, Hittell, Lampson, Langford, Nelson, Pool, Ryan, Watson, and West—15.

Vote reconsidered.

Pending roll call, Mr. Brown stated that he was paired with Mr. Dickinson; he would vote no, and the latter would vote aye.

Mr. Hittell moved the adoption of the following amendment: Amend line one hundred and sixty-five, printed bill, to read as follows: "For salary of State Engineer, six thousand dollars, for the thirty-third fiscal year."

Mr. Baker moved a call of the Senate.

Upon which motion a division of the vote was demanded, and the motion prevailed by the following vote: Ayes, 15; noes, 6.

The roll was called, and the following Senators were absent without leave: Messrs. Brown and Enos.

On motion of Mr. Baker, further proceedings under the call were dispensed with.

Upon the adoption of the amendment offered by Mr. Hittell, the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Carlock, Chase, Cheney, Davis, Hittell, Hudson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, and West—15.

NOES—Messrs. Anderson, Baker, Conger, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Pardee, Satterwhite, Sears, Watson, Wendell, and Zuck—19.

Amendment lost.

Mr. Dickinson stated he was paired with Mr. Brown; he would vote "aye," the latter would vote "no."

Upon the adoption of the amendment to strike out line one hundred and sixty-five, printed bill, the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Conger, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Pardee, Rowell, Satterwhite, Sears, Wendell, and Zuck—18.

NOES—Messrs. Anderson, Burt, Cheney, Davis, George, Hittell, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Ryan, Watson, and West—15.

Amendment adopted.

Mr. Dickinson paired with Mr. Brown, as before.

Mr. Hittell moved to amend the bill by inserting, in place of lines one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight, of section one, on page six of printed bill (which were stricken out on April twenty-second), the following: "For the completion of the State Engineer's report on the irrigation problem, and completion of the State map now in course of preparation by said State Engineer, twelve thousand dollars; which said sum may all be expended in the thirty-third fiscal year, provided said works be completed in said year."

Upon its adoption, the roll was called, with the following result:

AYES—Messrs. Burt, Carlock, Chase, Conger, Davis, Hittell, Hudson, Lampson, Langford, Nelson, Pool, Rowell, and West—13.

NOES—Messrs. Anderson, Baker, Byrnes, Cheney, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Pardee, Ryan, Satterwhite, Sears, Watson, Wendell, and Zuck—21.

Amendment lost.

Mr. Dickinson paired with Mr. Brown, as before.

Mr. Johnson moved the adoption of the following amendment: Amend section two by adding thereto, as follows: "No moneys appropriated for the support of the institutions of the State shall be used for permanent improvements; but shall be used solely for the payment of salaries and traveling expenses of the Commissioners or Directors having charge of the same when such salaries or expenses are allowed by law, the salaries of employes, the purchase of materials and supplies for the use of the said institutions, and for such incidental current expenses as may be necessarily incurred for the proper management and support of said institutions."

Upon its adoption, the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Johnson, Langford, Moreland, Nelson, Pardee, Pool, Ryan, Sears, Wendell, West, and Zuck—22.

NOES—Messrs. Anderson, Byrnes, Gorman, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Rowell, Satterwhite, and Watson—12.

Amendment adopted.

Mr. Ryan moved the adoption of the following amendment: Strike out lines one hundred and eighty-three and one hundred and eighty-four, printed bill.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Chase, Dickinson, George, Harlan, Hudson, Johnson, Kane, Kelly, Nelson, Pardee, Ryan, West, and Zuck—14.

NOES—Messrs. Anderson, Burt, Byrnes, Carlock, Cheney, Conger, Davis, Glascock, Gorman, Hill, Hittell, Johnston, Lampson, Langford, Moreland, Pool, Rowell, Satterwhite, Sears, Watson, and Wendell—20.

Amendment lost.

Mr. Kane moved to strike out lines one hundred and ninety-nine, two hundred, two hundred and one, two hundred and two, two hundred and three, two hundred and four, two hundred and five, two hundred and six, two hundred and seven, two hundred and eight, and two hundred and nine, printed bill.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Davis, George, Glascock, Gorman, Harlan, Kane, Kelly, Moreland, Nelson, Rowell, Satterwhite, and Watson—14.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Conger, Dickinson, Hill, Hudson, Johnston, Lampson, Langford, Pardee, Pool, Ryan, Sears, Wendell, West, and Zuck—19.

Amendment lost.

Mr. Zuck moved to strike out line one hundred and seventy-eight, printed bill.

Lost.

Mr. Rowell moved to amend line one hundred and ninety-eight, page seven, by striking out "fifteen" and inserting "nine."

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, George, Glascock, Gorman, Hill, Hittell, Hudson, Kane, Moreland, Pool, Rowell, Sears, West, and Zuck—16.

NOES—Messrs. Baker, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Johnson, Johnston, Kelly, Lampson, Langford, Nelson, Pardee, Ryan, Satterwhite, Watson, and Wendell—18.

Amendment lost.

Mr. Langford moved to amend line one hundred and eighty, printed bill, by striking out "sixty" and inserting "thirty."

Lost.

Mr. Zuck moved to strike out the word "thirty-five," in line eighty-six, page four, printed bill.

Mr. Kane moved to strike out lines eighty-five and eighty-six, printed bill.

Lost.

Upon the adoption of the amendment offered by Mr. Zuck, the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, George, Gorman, Hill, Kane, Langford, Moreland, Satterwhite, Wendell, West, and Zuck—12.

NOES—Messrs. Baker, Burt, Byrnes, Cheney, Conger, Davis, Dickinson, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Pardee, Pool, Rowell, Ryan, Sears, and Watson—20.

Amendment lost.

Mr. Langford moved the adoption of the following amendment: Insert after line two hundred and nine, the following: "*Provided*, no games of chance shall be allowed on the grounds of the State Fair, or any District Fair."

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Burt, Carlock, Chase, Davis, George, Glasecock, Hill, Johnston, Langford, Moreland, Nelson, Pardee, Rowell, Satterwhite, West, and Zuck—16.

NOES—Messrs. Anderson, Byrnes, Cheney, Conger, Dickinson, Gorman, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Pool, Ryan, Sears, Watson, and Wendell—17.

Amendment lost.

Bill ordered to a third reading.

Mr. Sears gave the following notice: I hereby give notice that I will, on to-morrow, move to amend Rule One by adding thereto the following: "Evening sessions shall be held, beginning at half-past seven on Tuesday, April twenty-sixth, eighteen hundred and eighty-one."

RESOLUTION.

By Mr. Johnson:

Resolved, That the Attorney-General be and he is hereby requested to immediately commence such action or actions in the State or Federal Courts as he may deem necessary, to test the question as to whether any person or persons, associations or corporations, have the right to run or permit to be run the tailings from any hydraulic mine into any of the watercourses of the State.

Mr. Baker raised the point of order, that the resolution is out of order, for the reason that it is not included within any of the subjects named by the Governor in his proclamation for the consideration of the Legislature at this extra session.

Mr. Sears moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Dickinson, George, Hittell, Hudson, Kane, Lampson, Moreland, Pardee, Pool, Sears, Watson, Wendell, and Zuck—19.

NOES—Messrs. Cheney, Conger, Davis, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Langford, Nelson, Rowell, Ryan, Satterwhite, and West—15.

Motion carried.

ADJOURNMENT.

At five o'clock and fifty minutes P. M., pending consideration of resolution, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Tuesday, April 26, 1881. }

The Senate met pursuant to adjournment.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Taylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, amended, and approved.

REPORT OF COMMITTEE.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, April 25, 1881.

MR. PRESIDENT: The Judiciary Committee, to whom was referred the question of the constitutionality of Assembly Bill No. 10, known as the Tax Levy Bill, have prepared the following amendments to the same, and report that said bill so amended, will, in their judgment, be constitutional and valid:

Amend title to read:

An Act to amend section three thousand seven hundred and thirteen of the Political Code, and to provide for the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years.

Amend section one to read:

SECTION 1. Section three thousand seven hundred and thirteen of the Political Code is hereby amended to read as follows:

3713. The State Board of Equalization must, for State purposes, for the thirty-third and thirty-fourth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property of this State as, after allowing twelve per cent. for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of this Code, will raise for the thirty-third fiscal year:

First—For the General Fund, one million eight hundred and sixty-eight thousand eight hundred and seventy dollars.

Second—For the School Fund, one million five hundred and eleven thousand eight hundred and forty-six dollars.

Third—For the Interest and Sinking Fund, three hundred and fifteen thousand dollars.

And for the thirty-fourth fiscal year:

First—For the General Fund, one million eight hundred and sixty-eight thousand eight hundred and seventy dollars.

Second—For the School Fund, one million five hundred and eleven thousand eight hundred and forty-six dollars.

Third—For the Interest and Sinking Fund, three hundred and ninety-eight thousand dollars.

And said tax, the rate of which shall be so fixed, is hereby levied for said thirty-third and thirty-fourth fiscal years.

WENDELL, Chairman.

Mr. Johnson stated he would make a minority report.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }
SACRAMENTO, April 25, 1881. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bills Nos. 13, 14, 15, 17, 18, 19, 20, 21, 23, 24, 25, and 26, being Acts making appropriations for deficiencies in the appropriations for the thirty-second fiscal year.

GEO. C. PERKINS, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 22—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

FRANK J. HIGGINS, Assistant Clerk.

RESOLUTIONS.

Consideration of resolution offered by Mr. Johnson yesterday, as follows:

Resolved, That the Attorney-General be and is hereby requested to immediately commence such action or actions in the State or Federal Courts as he may deem necessary, to test the question as to whether any person or persons, associations or corporations, have the right to run or permit to be run the tailings from any hydraulic mine into any of the watercourses of the State.

The question recurred upon the point of order raised by Mr. Baker, that the resolution is out of order for the reason that it is not included within any of the subjects named by the Governor in his proclamation for the consideration of the Legislature at this extra session.

The President pro tem. ruled the point of order not well taken.

Mr. Baker appealed from the decision of the Chair.

Upon sustaining the decision of the Chair, the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Conger, Davis, Enos, Glascock, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Langford, Moreland, Pool, Rowell, Satterwhite, Wendell, and Zuck—19.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Dickinson, George, Gorman, Hudson, Lampson, Nye, Pardee, Ryan, Sears, Traylor, Watson, and West—17.

Decision of the Chair sustained.

Upon the adoption of the resolution, the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Davis, Enos, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nye, Rowell, Satterwhite, and Wendell—18.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Dickinson, George, Glascock, Hill, Hudson, Lampson, Pardee, Pool, Ryan, Sears, Traylor, Watson, West, and Zuck—20.

Resolution lost.

By Mr. Moreland: Senate Concurrent Resolution No. 1—Relative to the Mussel Slough prisoners.

Mr. Johnson raised the point of order that the resolution was not in order.

The President pro tem. ruled the point of order not well taken.

Upon the adoption of the resolution the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Davis, Enos, Glascock, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Pardee, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—23.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Dickinson, George, Gorman, Harlan, Johnson, Lampson, Nye, Sears, Traylor, and Watson—14.

Resolution adopted.

Mr. Sears now called up his motion to amend Rule One, offered on yesterday.

Upon its adoption the ayes and noes were demanded by Messrs. Hill, Lampson, and Sears, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Chase, Davis, Enos, Harlan, Hill, Hudson, Lampson, Moreland, Rowell, Sears, Wendell, and Zuck—15.

NOES—Messrs. Anderson, Burt, Carlock, Cheney, Dickinson, George, Glascock, Gorman, Hittell, Johnson, Kane, Kelly, Langford, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, and West—21.

Motion lost.

Mr. Dickinson moved to take a recess until two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Moreland, and Johnson.

The roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Hill, Hittell, Hudson, Johnson, Lampson, Nye, Pool, Rowell, Watson, Wendell, and West—20.

NOES—Messrs. Anderson, Enos, George, Glascock, Gorman, Harlan, Johnston, Kane, Kelly, Langford, Moreland, Pardee, Satterwhite, Sears, Traylor, and Zuck—16.

Motion carried.

RECESS.

At eleven o'clock A. M. the President pro tem. declared a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—33.

NOES—Messrs. Enos, Gorman, Kane, and Langford—4.

Title read and approved.

SECOND READING OF BILLS.

Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

Read second time.

Mr. Johnson gave notice of motion to reconsider the vote whereby Assembly Bill No. 8 was passed.

Consideration of Assembly Bill No. 10 resumed.

Mr. Hittell moved that the amendments proposed by the Judiciary Committee be now considered.

So ordered.

MINORITY REPORT.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, April 26, 1881.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, dissent from the report of the majority of said committee in reference to Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

The undersigned believe that the tax levy should be made in an independent Act, not as an amendment to the Code; and therefore believe that the bill and its title as passed by the Assembly to be proper and constitutional.

GROVE L. JOHNSON,
JNO. H. DICKINSON,
WM. A. CHENEY.

Senator Traylor in the chair.

Upon the adoption of the amendment to section one, as proposed in the majority report of the Judiciary Committee, the roll was called, with the following result:

AYES—Messrs. Chase, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and Zuck—23.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Johnson, Langford, Neumann, and West—10.

Amendment adopted.

Mr. Dickinson moved the adoption of the following amendment: Strike out as follows: "Section 1. Section three thousand seven hundred and thirteen of the Political Code is hereby amended to read as follows: 3713."

Upon its adoption, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Dickinson, George, Glascock, Hudson, Johnson, Johnston, Neumann, Pardee, Pool, Ryan, and Sears—17.

NOES—Messrs. Chase, Conger, Davis, Enos, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Lampson, Langford, Moreland, Nye, Rowell, Traylor, Watson, Wendell, and Zuck—19.

Amendment lost.

President pro tem. in the chair.

Upon the adoption of the amendment proposed in the majority report of the Judiciary Committee to the title of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Traylor, Watson, Wendell, and Zuck—27.

NOES—Messrs. Brown, Byrnes, Carlock, Cheney, Dickinson, Langford, Neumann, and Sears—8.

Amendment adopted.

Mr. Dickinson moved to strike out in lines twelve and sixteen, of section one, engrossed bill, the words "five hundred and eleven thousand eight hundred and forty-six," and insert in place thereof the words "two hundred thousand."

Mr. Davis moved to amend the amendment by striking out "two hundred thousand," and inserting "three hundred thousand."

Mr. Dickinson accepted the amendment of Mr. Davis.

Upon the adoption of the amendment, the roll was called, with the following result:

AYES—Messrs. Byrnes, Conger, Davis, Dickinson, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—23.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Enos, George, Glascock, Hill, Lampson, Langford, Moreland, Pool, and Satterwhite—14.

Amendment adopted.

Mr. Ryan gave notice of motion to reconsider the vote just taken. Senator Davis in the chair.

Mr. Johnson moved the adoption of the following amendment: Amend section one of Assembly Bill No. 10 by striking out the amounts therein named for the General Fund, and insert in lieu thereof as follows: "For the thirty-third fiscal year, two million eighty-nine thousand two hundred and forty-six dollars. For the thirty-fourth fiscal year, one million four hundred and eighty-eight thousand seven hundred and thirty-five dollars."

REPORT OF COMMITTEE.

By Mr. Hudson :

SENATE CHAMBER, SACRAMENTO, April 26, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 22, and that the same has this day been placed in the hands of the Governor, at two o'clock P. M.

HUDSON, Chairman.

ADJOURNMENT.

Mr. Johnston moved to adjourn.

Upon which motion the roll was called, with the following result :

AYES—Messrs. Anderson, Burt, Dickinson, Enos, Glaseock, Gorman, Hill, Hittell, Johnston, Kane, Kelly, Langford, Moreland, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, and Zuck—21.

NOES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Davis, George, Hudson, Johnson, Neumann, Nye, Traylor, Watson, and West—14.

Motion carried.

At five o'clock and fifty minutes P. M., pending consideration of Mr. Johnson's amendment, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.)
Wednesday, April 27, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and amended, in Mr. Dickinson's motion, on page five, printed Journal, by striking out "lines ten and sixteen, printed bill," and inserting in lieu thereof "lines twelve and sixteen of section one, engrossed bill."

Journal approved as amended.

Mr. Johnson now moved to reconsider the vote by which Assembly Bill No. 8 was passed.

Mr. Ryan moved to lay the motion on the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Kelly, Moreland, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—28.

NOES—Messrs. Johnston, Kane, Lampson, Nelson, Nye, Rowell, and Zuck—7.

Motion carried.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April twenty-fifth, eighteen hundred and eighty-one, passed Assembly Concurrent Resolution No. 3—Relative to the time of adjournment sine die of this extra session of the California Legislature.

G. E. McSTAY, Chief Clerk.

Assembly Concurrent Resolution No. 3 (as above) read.

Mr. Cheney moved that its further consideration be made the special order for next Friday, at two o'clock P. M.

Mr. Baker moved to lay the resolution upon the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Chase, Cheney, Davis, Hill, Hittell, Johnson, Johnston, Lampson, Nye, Rowell, Sears, Watson, West, and Zuck—17.

NOES—Messrs. Anderson, Brown, Carlock, Dickinson, Enos, George, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, and Wendell—21.

Motion lost.

Upon the adoption of Mr. Cheney's motion, the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, and West—22.

NOES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, Wendell, and Zuck—17.

Motion carried, and resolution made the special order for Friday next, at two o'clock P. M.

SECOND READING OF BILLS.

Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

The question recurred upon the amendment of Mr. Johnson, pending consideration upon adjournment yesterday.

Mr. Johnson moved to refer the amendment to a special committee of three, to report at two o'clock P. M.

So ordered.

The President appointed as such committee Messrs. Johnson, Moreland, and Pardee.

Mr. Johnson moved to take a recess until two o'clock P. M.

Lost.

Mr. Sears moved the adoption of the following amendment: Add to section one: "Provided, that the State Board of Equalization in so

fixing said ad valorem rate or rates of taxation for said thirty-third and thirty-fourth fiscal years, shall not include any levy or rate for any of the purposes mentioned in an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty; nor shall the tax specified in section twenty-four of said Act to promote drainage be levied for the said fiscal years, or either of them."

Mr. Traylor raised the point of order that the amendment is out of order, for the reason that it does not come within the scope of the Governor's proclamation, and that it is not germane to the bill.

The President ruled the point of order not well taken.

Mr. Cheney appealed from the decision of the Chair.

Upon sustaining the decision of the Chair, the roll was called, with the following result: .

AYES—MESSRS. Anderson, Baker, Byrnes, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—27.

NOES—MESSRS. Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Lampson, Neumann, Pool, Ryan, Traylor, and Watson—13.

Decision of the Chair sustained.

Mr. Johnson moved to take a recess until two o'clock p. m.

Upon which motion the roll was called, with the following result:

AYES—MESSRS. Anderson, Chase, Cheney, Conger, Dickinson, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Rowell, Ryan, Satterwhite, and West—22.

NOES—MESSRS. Burt, Brown, Byrnes, Carlock, Davis, Enos, George, Gorman, Kane, Neumann, Pardee, Pool, Sears, Traylor, Wendell, and Zuck—16.

Motion carried.

RECESS.

At eleven o'clock and twenty-five minutes A. M., the Senate took a recess until two o'clock p. m.

REASSEMBLED.

The Senate reassembled at two o'clock p. m.

President pro tem. in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck.

Quorum present.

REPORT OF COMMITTEE.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, April 27, 1881.

MR. PRESIDENT: Your special committee, to whom was referred the amendment to Assembly Bill No. 10, by Senator Johnson, fixing the amount to be raised for the General Fund for the thirty-third and thirty-fourth fiscal years—having had the same under consideration, report it back and recommend that the following be adopted as a substitute therefor, viz.: "That the amount for the thirty-third fiscal year be two million one hundred and ninety thousand and

eighty-four dollars; and for the thirty-fourth fiscal year, one million four hundred and eighty-eight thousand seven hundred and thirty-five dollars."

GROVE L. JOHNSON,
E. H. PARDEE,
W. W. MORELAND,
Special Committee.

Report adopted.

Consideration of Assembly Bill No. 10, resumed.

The question recurred upon the adoption of amendment offered by Mr. Sears previous to recess.

Mr. Wendell moved a call of the Senate.

So ordered.

The absentees without leave were Senators Anderson, Baker, Carlock, and Kelly.

The Sergeant-at-Arms presented Messrs. Anderson, Baker, Carlock, and Kelly at the bar of the Senate, and on motion they were severally excused.

On motion of Mr. Wendell, further proceedings under the call were dispensed with.

The question recurring upon the adoption of Mr. Sears' amendment, the ayes and noes were demanded by Messrs. Davis, Zuck, and Hill.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Conger, Enos, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—23.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Johnson, Lampson, Neumann, Nye, Ryan, Traylor, Watson, and West—17.

Amendment adopted.

Mr. Davis, by leave, arose to explain his vote.

Pending the remarks of Senator Davis, the President pro tem. decided him out of order.

Mr. Johnson appealed from the decision of the Chair.

At the request of Mr. Davis, Mr. Johnson withdrew his appeal.

Mr. Ryan now called up his motion to reconsider the vote whereby the amendment to lines twelve and sixteen of section one, of engrossed copy of Assembly Bill No. 10, was adopted.

Mr. Gorman moved to lay the motion on the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Carlock, Chase, Conger, Davis, Dickinson, George, Glaseock, Gorman, Harlan, Hittell, Johnson, Kane, Kelly, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Baker, Byrnes, Cheney, Enos, Hill, Hudson, Johnson, Lampson, Moreland, Nelson, Pool, Ryan, and Satterwhite—14.

Motion laid on the table.

Mr. Hudson moved to reconsider the vote whereby Mr. Sears' amendment to Assembly Bill No. 10 was adopted.

Mr. Johnson moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Traylor, Watson, and West—18.

NOES—Messrs. Anderson, Conger, Enos, Glaseock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, and Zuck—20.

Motion lost.

Pending roll call Mr. Hittell stated he was paired with Mr. Brown—he would vote no; Mr. Brown would vote aye.

Mr. Sears moved to lay the motion of Mr. Hudson to reconsider on the table.

Mr. Johnson arose to a point of order, that the motion to lay Senator Ryan's motion on the table, carried the bill with it, and that no motion regarding the bill can now be received.

The President pro tem. ruled the point of order not well taken.

Mr. Neumann moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Lampson, Neumann, Nye, Ryan, Traylor, Watson, and West—18.

NOES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—19.

Motion lost.

Mr. Hittell paired with Mr. Brown, as before.

Mr. Johnson appealed from the decision of the Chair upon his point of order.

Mr. Satterwhite moved to lay the appeal upon the table.

Mr. Traylor moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Ryan, Traylor, Watson, and West—19.

NOES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—19.

Motion lost.

Mr. Hittell paired with Mr. Brown, as before.

Mr. Neumann moved a call of the Senate.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Ryan, Traylor, Watson, and West—18.

NOES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—20.

Motion lost.

Mr. Hittell paired with Mr. Brown as before.

Mr. Johnson moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Ryan, Traylor, Watson, and West—19.

NOES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—19.

Motion lost.

Mr. Hittell paired with Mr. Brown, as before.

Mr. Satterwhite withdrew his motion to lay on the table.

Mr. Traylor moved to adjourn.

Upon which motion the ayes and noes were called, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Johnston, Lampson, Neumann, Ryan, Traylor, Watson, and West—18.

NOES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—20.

Motion lost.

Mr. Hittell paired with Mr. Brown, as before.

Upon sustaining the decision of the Chair upon the point of order raised by Mr. Johnson, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and Zuck—29.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Cheney, Dickinson, George, Johnson, and West—9.

Decision of the Chair sustained.

Mr. Johnson moved to adjourn.

Upon which the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Johnston, Lampson, Neumann, Ryan, Traylor, Watson, and West—19.

NOES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—21.

Motion lost.

Leave of absence granted to Mr. Carlock until to-morrow morning.

The question recurred upon the motion of Mr. Sears to lay the motion of Mr. Hudson to reconsider upon the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—21.

NOES—Messrs. Baker, Burt, Brown, Burns, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Johnston, Lampson, Neumann, Ryan, Traylor, Watson, and West—19.

Motion carried.

Mr. Johnson moved the adoption of the following amendment: I move to amend by striking out the amount "one million three hundred thousand dollars" appropriated for the School Fund in the thirty-third and thirty-fourth fiscal years, and insert in lieu thereof the words "one million five hundred and eleven thousand dollars."

Mr. Brown moved to lay the amendment upon the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Johnson, Johnston, Lampson, Nye, Ryan, Watson, and West—16.

NOES—Messrs. Anderson, Baker, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Wendell, and Zuck—24.

Motion lost.

Mr. Davis moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Ryan, Traylor, Watson, and West—20.

NOES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—20.

Motion lost.

Upon the adoption of the amendment of Mr. Johnson, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, George, Glascock, Hill, Johnson, Lampson, Moreland, Nelson, Pool, and Ryan—14.

NOES—Messrs. Byrnes, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

Amendment lost.

Mr. Johnson moved to take a recess until eight o'clock p. m.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Dickinson, George, Johnson, Johnston, Lampson, Neumann, Nye, Ryan, Traylor, Watson, and West—18.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—22.

Motion lost.

Mr. Johnson moved to amend as follows: I move to amend by striking out the amount "one million three hundred thousand dollars," appropriated for the thirty-third and thirty-fourth fiscal years for the School Fund, and insert in lieu thereof the amount of "one million four hundred thousand dollars."

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Cheney, Enos, George, Glascock, Johnson, Johnston, Lampson, Moreland, Pool, Ryan, and Watson—15.

NOES—Messrs. Baker, Byrnes, Chase, Conger, Davis, Dickinson, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—24.

Amendment lost.

Mr. Johnson moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Johnson, Johnston, Lampson, Neumann, Nye, Ryan, Traylor, Watson, and West—19.

NOES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—21.

Motion lost.

Mr. Hill moved the previous question, which was seconded by twenty-three Senators.

The question being, "Shall the main question be now put?"

The roll was called, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—21.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hittell, Johnson, Johnston, Neumann, Ryan, Traylor, Watson, and West—18.

Previous question ordered.

Upon the third reading of the bill, the ayes and noes were demanded by Messrs. Hill, Zuck, and Davis, and the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—23.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Johnson, Johnston, Lampson, Neumann, Ryan, Traylor, Watson, and West—17.

Bill ordered to third reading.

ADJOURNMENT.

Mr. Carlock moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Carlock, Chase, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hudson, Kane, Kelly, Langford, Moreland, Rowell, Satterwhite, Sears, Traylor, Watson, and Wendell—20.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Cheney, Dickinson, Johnson, Johnston, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, West, and Zuck—18.

At seven o'clock and ten minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, April 28, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday corrected and approved.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed:

Senate Bill No. 29—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 30—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 28—An Act making appropriation for a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 33—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 31—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 16—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 32—An Act making appropriation for a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 27—An Act making appropriation for a deficiency in the appropriations for the thirty-first fiscal year.

G. E. McSTAY, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 1—Relative to the pardon of the Mussel Slough prisoners.

G. E. McSTAY, Chief Clerk.

THIRD READING OF BILLS.

Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes, for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

Read third time.

MOTION.

Mr. Johnson made the following motion:

"Mr. President: I move to recommit Assembly Bill No. 10 to a special committee of one, with special instructions to amend the bill by striking out of section one of said bill the following words, viz.: *Provided*, That the State Board of Equalization, in so fixing said ad valorem rate or rates of taxation for said thirty-third and thirty-fourth fiscal years, shall not include any levy or rate for any purpose mentioned in an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty, nor shall the tax specified in section twenty-four of said Act to promote drainage be levied for the said fiscal years, or either of them."

Mr. Sears raised the point of order that the amendment is out of order, for the reason that it strikes out the exact words of the amendment adopted by the Senate on yesterday.

The President ruled the point of order not well taken.

Mr. Johnston moved to refer the bill to the Judiciary Committee, with instructions to report on the constitutionality of the Sears amendment to-morrow morning, immediately after the reading of the Journal.

RECESS.

Pending consideration of the motion, the hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Davis and Mr. Enos arose upon a question of privilege, relating to assertions made in the "San Francisco Examiner."

Consideration of Assembly Bill No. 10 resumed.

The question recurred upon the motion of Mr. Johnston to refer.

Leave of absence granted to Senator Traylor for the remainder of the week.

Upon the adoption of Mr. Johnston's motion to refer, the ayes and noes were demanded by Messrs. Hill, Zuck, and Conger, and the roll was called, with the following result:

AYES—Messrs. Burt, Byrnes, Chase, Davis, Dickinson, George, Hudson, Johnson, Johnston, Lampson, Neumann, and Ryan—12.

NOES—Messrs. Anderson, Baker, Brown, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—25.

Motion lost.

Mr. Langford stated that he was paired with Mr. Carlock—he would vote no, and Mr. Carlock would vote aye.

Upon the adoption of the motion of Mr. Johnson to recommit the bill with instructions, the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Chase, Cheney, Davis, Dickinson, George, Johnson, Lampson, Neumann, Nye, Ryan, Watson, and West—15.

NOES—Messrs. Anderson, Baker, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnston, Kane, Kelly, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—24.

Motion lost.

Mr. Hittell stated he was paired with Mr. Traylor—he would vote no, Mr. Traylor would vote aye.

Mr. George moved the following:

Mr. President: I move that the pending bill be referred to a committee of one, with instructions to report forthwith the following amendment: Amend by inserting before the word "twenty-four," the following: "Sixteen, twenty, and," in line twenty-four.

The President ruled the amendment not in order, for the reason that it related to the tax levied by the Commissioners of the district, instead of that fixed by the State Board of Equalization, and therefore not pertinent.

Mr. George appealed from the decision of the Chair.

Upon sustaining the decision of the Chair, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—31.

NOES—Messrs. Burt, George, Johnson, Lampson, Neumann, Ryan, and Watson—7.

Decision of the President sustained.

Bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—26.

NOES—Messrs. Burt, Brown, Byrnes, Chase, Cheney, Davis, Dickinson, George, Lampson, Neumann, Ryan, and Watson—12.

Mr. Johnson made the following motion:

Mr. President: I move to amend the title by adding thereto as follows: "And to repeal that portion of the Act to promote drainage, approved April twenty-third, eighteen hundred and eighty, which provides for a levy of one twentieth of one per cent. for the purposes of said Act."

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Cheney, Davis, Dickinson, George, Johnson, Lampson, and Ryan—10.

NOES—Messrs. Anderson, Baker, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—26.

Amendment lost.

Mr. Johnson gave notice of motion to reconsider the vote whereby the bill was passed.

Mr. Johnson offered the following:

Mr. President: I move to amend the title by adding thereto as follows: "And to define the duties of the State Board of Equalization in reference to fixing the rate of State taxes."

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Cheney, Dickinson, George, Johnson, Lampson, Ryan, and Watson—11.

NOES—Messrs. Anderson, Chase, Conger, Davis, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—26.

Amendment lost.

Mr. Nye moved the following: Add to the title the following: "And to suspend during said fiscal year the operation of the provisions of section twenty-four of an Act entitled an Act to promote drainage, approved April twenty-second, eighteen hundred and eighty."

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Lampson, Nye, Ryan, Watson, and West—15.

NOES—Messrs. Anderson, Baker, Conger, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—22.

Amendment lost.

Title of bill read and approved.

ADJOURNMENT.

At five o'clock and twenty-five minutes p. m., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Friday, April 29, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Johnson now called up his motion to reconsider the vote whereby Assembly Bill No. 10 was passed.

Mr. Johnson moved to lay his motion on the table.

Mr. Johnston moved to make the motion the special order for next Tuesday.

The President ruled the motion of Mr. Johnston out of order.

Upon the motion to lay on the table, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Moreland, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—21.

NOES—Messrs. Burt, Brown, Byrnes, Chase, Cheney, Davis, Dickinson, George, Johnson, Johnston, Lampson, and Watson—12.

Motion carried.

Leave of absence granted to Messrs. Enos and Dickinson, until Monday morning next.

RECESS.

At ten o'clock and fifteen minutes A. M., on motion of Mr. Johnson, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Davis, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

SPECIAL ORDER.

Assembly Concurrent Resolution No. 3—Relative to the time of adjournment sine die of this extra session of the California Legislature.

Mr. Cheney moved to make the resolution the special order for Tuesday next, at two o'clock P. M.

Mr. Ryan raised the point of order that such action cannot be had, as the resolution provides for adjournment to-morrow, and moved, as an amendment, that the resolution be adopted.

The President overruled the point of order.

Upon the adoption of Mr. Cheney's motion, the ayes and noes were demanded by Messrs. Moreland, Johnson, and Brown, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Chase, Cheney, Conger, Davis, George, Glasecock, Harlan, Hill, Hittell, Hudson, Johnson, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Gorman, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—10.

Motion carried.

Leave of absence was granted to Senator Carlock for the remainder of the week.

Mr. Johnson moved to take a recess until four o'clock p. m.

Mr. Gorman, as an amendment, moved to adjourn.

Lost.

Upon the motion to take a recess until four o'clock p. m., the ayes and noes were demanded by Messrs. Moreland, Langford, and Gorman, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Chase, Cheney, Conger, Davis, George, Hill, Hittell, Hudson, Johnson, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuck—22.

NOES—Messrs. Anderson, Glasecock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—12.

Motion carried.

RECESS.

At two o'clock and twenty minutes p. m., the Senate took a recess until four o'clock p. m.

REASSEMBLED.

The Senate reassembled at four o'clock p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, George, Glasecock, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck.

Quorum present.

REPORTS OF COMMITTEES.

SENATE CHAMBER, SACRAMENTO, April 29, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 16, 27, 28, 29, 30, 31, 32, and 33, and that the same have this day been placed in the hands of the Governor, at the hour of two o'clock and fifteen minutes p. m.

HUDSON, Chairman.

Mr. Hudson granted leave of absence until next Tuesday.

MAJORITY REPORT.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, April 29, 1881.

MR. PRESIDENT: Your Committee on Apportionment, to whom was referred Senate Bill No. 11—An Act to divide the State into Congressional Districts—respectfully report that they have had the same under consideration, have amended the same, and recommend its passage as amended.

GROVE L. JOHNSON, Chairman.

MINORITY REPORT.

By Mr. Moreland:

SENATE CHAMBER, SACRAMENTO, April 29, 1881.

MR. PRESIDENT: The undersigned, a minority of the Committee on Apportionment, dissent from the report of said committee recommending the passage of Senate Bill No. 11, as amended by said committee.

W. W. MORELAND.
J. C. GORMAN.

SECOND READING OF BILLS.

Senate Bill No. 11—An Act to divide the State into Congressional Districts.

Read second time.

Amendments reported by majority report of committee adopted.

Mr. Moreland moved to insert the following after the enacting clause of Senate Bill No. 11, by substituting the following:

SECTION 1. For the purpose of electing Representatives to the Congress of the United States, the State is hereby divided into four Congressional Districts, which shall be the same as the Congressional Districts now prescribed by law.

SEC. 2. If more than four Representatives shall be assigned to the State by the Congress of the United States, under the last United States census, said additional Representatives shall be elected by the State at large.

SEC. 3. This Act shall take effect from and after its passage.

Lost.

Bill ordered engrossed.

Leave of absence granted to Mr. George until Tuesday morning next.

REPORT OF COMMITTEE.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, April 29, 1881.

MR. PRESIDENT: Your Committee on Apportionment, to whom was referred Senate Bill No. 6—An Act to divide the State of California into Congressional Districts.

Also, Senate Bill No. 7—An Act to divide the State of California into Congressional Districts. Have had the same under consideration, and report them back without recommendation.

GROVE L. JOHNSON, Chairman.

Senate Bill No. 6.

On motion of Mr. Johnson, indefinitely postponed.

Senate Bill No. 7.

On motion of Mr. Johnson, indefinitely postponed.

ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, April 30, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORT OF COMMITTEE.

By Mr. Carlock:

SENATE CHAMBER, SACRAMENTO, April 30, 1881.

MR. PRESIDENT: Your Committee on Engrossment have examined and report correctly engrossed Senate Bill No. 11.

A. B. CARLOCK, for the Committee.

Leave of absence granted to Senator Watson on account of sickness.

Leave of absence granted to Senator Byrnes until Tuesday, at two o'clock P. M.

THIRD READING OF BILLS.

Senate Bill No. 11—An Act to divide the State into Congressional Districts.

Read third time, and failed to pass, by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Hill, Hittell, Johnston, Lampson, Nye, Pardee, Rowell, Sears, Wendell, West, and Zuck—19.

NOES—Messrs. Anderson, Glascock, Gorman, Johnson, Kelly, Moreland, Pool, Ryan, and Satterwhite—9.

Pending roll call, Mr. Harlan stated he was paired with Mr. Hudson—he would vote no, Mr. Hudson would vote aye.

Mr. Johnson gave notice that on the next legislative day he would move to reconsider the vote whereby the bill failed to pass.

Leave of absence granted to Senator Johnston until Tuesday morning.

ADJOURNMENT.

At ten o'clock and fifteen minutes A. M., on motion of Mr. Johnson, the Senate adjourned until Monday, at two o'clock P. M.

IN SENATE.

SENATE CHAMBER, SACRAMENTO, }
Monday, May 2, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

INTRODUCTION OF A BILL.

By Mr. Johnson: Senate Bill No. 34—An Act making appropriation to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

Read first time and placed on file.

Mr. Johnson now called up his motion to reconsider the vote whereby Senate Bill No. 11 failed to pass, and moved that the consideration of the motion be made the special order for to-morrow, after reading of the Journal.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April thirtieth, eighteen hundred and eighty-one, concurred in Senate amendments numbers one, two, three, thirteen, fourteen, fifteen, sixteen, nineteen, twenty, twenty-one, twenty-two, and eighteen, and refused to concur in Senate amendments numbers four, five, six, seven, eight, nine, ten, eleven, twelve, and seventeen to Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years—and do most respectfully request your honorable body to appoint a Committee of Free Conference with reference to the amendments not concurred in.

Also, concurred in Senate amendment to the title, and amendment number one, and refused to concur in all other Senate amendments to Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith—and do most respectfully request your honorable body to appoint a Committee of Free Conference with reference to the amendments not concurred in.

G. E. McSTAY, Chief Clerk.

Mr. Sears moved that the Senate refuse to recede from its amendments to Assembly Bills Nos. 8 and 10, and that a Committee of Free Conference be appointed to confer with a like committee on the part of the Assembly.

Mr. Davis moved as an amendment that there be two Committees of Free Conference—one upon each bill.

Mr. Hill moved as a substitute the following: I move that a Committee of Free Conference of three, consisting of Senators Wendell, Glascock, and Sears, be appointed on Assembly Bills Nos. 8 and 10, and that the Assembly be requested to appoint a like committee of the same number.

Mr. Sears accepted the substitute motion.

Mr. Brown arose to a point of order, that the resolution is out of order until the amendments have been acted upon.

The President decided the point of order not well taken.

Upon the adoption of the motion offered by Mr. Sears, as amended by Mr. Hill's substitute, the roll was called, with the following result:

AYES—Messrs. Anderson, Conger, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, and Zuehl—18.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Johnson, Lampson, Nye, Ryan, Watson, and West—14.

Senator Wendell was excused from voting.

Senator Langford stated that he was paired with Mr. Neumann—he would vote aye, and Mr. Neumann would vote no.

Motion carried.

Mr. Johnson moved to reconsider the vote whereby the further

consideration of vote on Senate Bill No. 11 was made the special order for to-morrow after reading of the Journal.

So ordered.

Mr. Johnson now moved to reconsider the vote whereby Senate Bill No. 11 failed to pass.

Vote reconsidered.

Upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Hill, Hittell, Hudson, Johnson, Lampson, Moreland, Nye, Pardee, Rowell, Ryan, Sears, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Nelson, Pool, and Satterwhite—10.

Bill passed.

Title read and approved.

Mr. Ryan gave notice of motion to reconsider the vote whereby the bill passed.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 4, relative to the appointment of a joint committee to attend to the obsequies of Hon. John E. Baker.

G. E. McSTAY, Chief Clerk.

Assembly Concurrent Resolution No. 4—As above, read and adopted.

The President appointed as such committee Messrs. Johnson, Ryan, Rowell, Harlan, and Lampson.

Mr. Johnson moved that the Senate do now adjourn, out of respect to the memory of the Hon. John E. Baker.

Carried.

ADJOURNMENT.

At three o'clock and twenty minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, May 3, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORT OF COMMITTEE.

Mr. Johnson, from special committee appointed to make preparations for the funeral of the late Honorable John E. Baker, reported that the Joint Committee of the Senate and Assembly met yesterday afternoon and organized by electing Senator Johnson as Chairman, and Assemblyman Young as Secretary; that the time and place for the funeral ceremonies had been fixed for Tuesday, May third, eighteen hundred and eighty-one, at two o'clock p. m., at the Assembly Chamber; that Senators Johnston, Dickinson, and Glascock had been selected as Pallbearers from the Senate, Assemblymen Van Fleet, Baker, of Yolo, and Gilmore, from the Assembly, and T. H. Berkey and J. R. Laine from the Boys in Blue; that out of respect to the Boys in Blue, the Marshal, Major W. A. Houghton, had been selected from that organization; that it was hoped and expected that every member of the Senate and Assembly, and the officers and attaches thereof would attend the funeral; that the Legislature would walk to the Sacramento City Cemetery where the remains would be interred in the State Burial Plot; that it was expected that the Senate would assemble in the Senate Chamber and march to the Assembly in a body; that the order of procession, and the route thereof, would be under the charge of the Marshal; that the First Artillery Band had been engaged; that the Committee of Arrangements, and the Pallbearers, would meet at the State House at one o'clock and forty-five minutes p. m., to-day, and accompany the remains to the Assembly Chamber.

SECOND READING OF BILLS.

Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

Read second time.

Mr. Nye moved the indefinite postponement of the bill.

Mr. Hill moved, as an amendment, that the bill be referred to the Committee on Finance.

Messrs. Enos and Wendell arose to a question of privilege upon remarks of Senator Johnson.

The President ruled the Senators out of order.

Mr. Sears moved that Senators Enos and Wendell be permitted to speak to a question of privilege, in reply to remarks by Senator Johnson.

The President ruled the motion of Mr. Sears out of order, for the reason that no grounds exist for a question of privilege.

Mr. Sears appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the roll was called, with the following result:

AYES—MESSRS. Burt, Brown, Chase, Cheney, Davis, Dickinson, Hudson, Lampson, Neumann, Ryan, and West—11.

NOES—MESSRS. Anderson, Baker, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, and Zuck—22.

The ruling of the President was not sustained.

President pro tem. in the chair.

Senator Enos arose and spoke upon a question of privilege.

Senator Wendell also spoke upon a question of privilege.

The question recurred upon the motion of Mr. Hill to refer the bill to the Finance Committee.

Upon which motion, the ayes and noes were demanded by Messrs. Sears, Hill, and Zuck, and the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Davis, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnston, Rowell, Sears, Watson, Wendell, West, and Zuck—16.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Cheney, Conger, Enos, Glascock, Gorman, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Ryan, and Satterwhite—20.

Motion lost.

The question now recurred upon the motion of Senator Nye to indefinitely postpone the bill.

Upon which motion the ayes and noes were demanded by Messrs. Enos, Nelson, and Conger, and the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Conger, Hill, Kane, Lampson, Langford, Moreland, Pardee, Wendell, and Zuck—11.

NOES—Messrs. Anderson, Burt, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, and West—24.

Motion lost.

Mr. Sears moved to pass the bill on file.

So ordered.

Mr. Johnson now moved to reconsider the vote whereby Senate Bill No. 11 was passed on yesterday.

Mr. Baker moved to lay the motion on the table.

Upon which motion the ayes and noes were called for by Messrs. Moreland, Sears, and Anderson, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Enos, Glascock, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—12.

Motion carried.

Mr. Davis moved to postpone the special order for two o'clock P. M. to-day, until to-morrow at the same hour.

So ordered.

ADJOURNMENT.

On motion of Mr. Johnson, at twelve o'clock and five minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
 Wednesday, May 4, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, and amended by adding to the last line of printed Journal the following: "Out of respect to the memory of the late Honorable John E. Baker."

Minutes, as amended, approved.

MESSAGE FROM ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, appointed as a Committee of Free Conference on Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years—Messrs. May, Streeter, and Del Valle.

Also, appointed as a Committee of Free Conference on Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith—Messrs. May, Hale, and Daggett.

G. E. McSTAY, Chief Clerk.

SECOND READING OF BILLS.

Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

Mr. Burt moved the following: Amend by adding to section one as follows: "*Provided*, that so much of the several sums herein specified as shall not have been expended at the close of the session shall be returned to the General Fund."

Mr. Wendell moved to amend by reducing each item of appropriation named to one half the amount specified.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, Glaseock, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Moreland, Nye, Pardee, Rowell, Sears, Traylor, Wendell, and West—24.

NOES—Messrs. Anderson, Burt, Chase, Johnson, Kelly, Lampson, Langford, Nelson, Pool, Ryan, Satterwhite, Watson, and Zuck—13.

Amendment adopted.

Mr. Burt's amendment as amended adopted.

Mr. Nye moved to amend the bill by striking out lines four and seven of the printed bill.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Lampson, and Harlan.

The roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Conger, Davis, Glascock, Harlan, Johnston, Kane, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Wendell, and Zuck—18.

NOES—Messrs. Anderson, Burt, Chase, Cheney, Dickinson, Enos, George, Gorman, Hill, Hittell, Johnson, Kelly, Lampson, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—20.

Amendment lost.

Upon the engrossment of the bill the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Davis, Dickinson, Enos, George, Gorman, Hill, Hittell, Johnson, Kelly, Lampson, Nelson, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—22.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Conger, Glascock, Harlan, Johnston, Kane, Langford, Moreland, Nye, Pardee, Rowell, Wendell, and Zuck—16.

Bill ordered engrossed.

Mr. Nye moved to now take up the special order for two o'clock P. M. to-day.

So ordered.

SPECIAL ORDER.

Assembly Concurrent Resolution No. 3, relative to the time of adjournment sine die of this extra session of the California Legislature.

Mr. Johnston moved to lay the resolution upon the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Johnston, Lampson, Pardee, Rowell, Sears, Traylor, Wendell, and West—19.

NOES—Messrs. Anderson, Burt, Brown, Enos, Glascock, Gorman, Harlan, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pool, Ryan, Satterwhite, Watson, and Zuck—19.

There being a tie vote, the President voted aye, and declared the motion carried.

Mr. Johnson moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Burt, Chase, Cheney, Conger, Gorman, Hill, Hittell, Johnson, Johnston, Nye, Rowell, Satterwhite, Sears, Watson, Wendell, and West—16.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Davis, Dickinson, Enos, George, Glascock, Harlan, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Ryan, Traylor, and Zuck—22.

Motion lost.

RECESS.

At ten o'clock and thirty-five minutes A. M., on motion of Mr. Brown, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names :

MESSES. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Baker moved to take a recess for half an hour.

Mr. Johnson moved to adjourn.

Upon which motion the roll was called, with the following result :

AYES—MESSES. Burt, Cheney, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Nelson, Nye, Pardee, Rowell, Ryan, and West—15.

NOES—MESSES. Anderson, Baker, Byrnes, Carlock, Chase, Enos, Glascock, Harlan, Kane, Kelly, Lampson, Moreland, Traylor, Watson, and Zuck—15.

The President declared the motion lost.

Upon the question to take a recess for half an hour, the roll was called, with the following result :

AYES—MESSES. Anderson, Baker, Carlock, Chase, Glascock, Hudson, Nye, Rowell, Satterwhite, and Traylor—10.

NOES—MESSES. Burt, Byrnes, Cheney, Davis, Enos, George, Gorman, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Pardee, Pool, Ryan, Watson, West, and Zuck—22.

Motion lost.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 5—Relative to instructing our Senators in Congress to use all honorable means to secure the speedy ratification of the treaty made and entered into between the Emperor of China and the Commissioners of the United States.

FRANK J. HIGGINS, Assistant Clerk.

Assembly Concurrent Resolution No. 5, as above, read and adopted by the following vote :

AYES—MESSES. Baker, Burt, Byrnes, Chase, Conger, Glascock, Gorman, Hill, Hittell, Johnston, Kane, Nelson, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—20.

NOES—MESSES. Anderson, Carlock, Cheney, Davis, Enos, George, Harlan, Johnson, Kelly, Lampson, Moreland, Nye, Pool, Ryan, and Satterwhite—15.

Mr. Glascock gave notice of motion to reconsider the vote whereby the resolution was adopted.

REPORT OF COMMITTEE.

By Mr. George :

SENATE CHAMBER, SACRAMENTO, May 4, 1881.

MR. PRESIDENT: The Committee on Engrössment have examined and found correctly engrossed Senate Bill No. 24—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

GEORGE, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April twenty-sixth, eighteen hundred and eighty-one, amended, and on this day passed as amended,

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

FRANK J. HIGGINS, Assistant Clerk.

Mr. Johnson moved to take a recess for ten minutes.

Motion lost.

Assembly amendment to article one, section two thousand six hundred and twenty, line one, concurred in by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Nye, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—27.

NOES—Messrs. Lampson, Pardee, and Pool—3.

Upon concurring in Assembly amendment to section two thousand six hundred and twenty-one, of article one, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, George, Gorman, Harlan, Hill, Johnston, Kelly, Moreland, Nye, and Watson—16.

NOES—Messrs. Byrnes, Davis, Glascock, Hittell, Lampson, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—16.

The Senate refused to concur.

Upon concurring in Assembly amendment to section two thousand six hundred and twenty-two, of article one, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—28.

NOES—Mr. Wendell—1.

Amendment concurred in.

Upon concurring in Assembly amendment to section two thousand six hundred and thirty-three, of article two, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, George, Gorman, Harlan, Hill, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Davis and Rowell—2.

Amendment concurred in.

Upon concurring in Assembly amendment to section two thousand six hundred and forty-one, of article three, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—32.

NOES—None.

Amendment concurred in.

Upon concurring in Assembly amendment to section two thousand six hundred and forty-two, of article three, line three, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—32.
 NOES—None.

Amendment concurred in.

Upon concurring in Assembly amendment to section two thousand six hundred and forty-two, of article three, line nine, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—31.
 NOES—None.

Amendment concurred in.

Upon concurring in Assembly amendment to section two thousand six hundred and forty-three, of article three, subdivision five, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Moreland, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, and West—24.
 NOES—Messrs. Baker, Enos, Hittell, Lampson, Wendell, and Zuck—6.

Amendment concurred in.

Upon concurring in Assembly amendment to subdivision eleven, of section two thousand six hundred and forty-three, of article three, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Moreland, Nye, Pardee, Pool, Rowell, Sears, Watson, Wendell, and West—25.
 NOES—Messrs. Davis, Enos, Kane, Lampson, Nelson, and Zuck—6.

Amendment concurred in.

Upon concurring in Assembly amendment to line seven of section two thousand six hundred and forty-four, of article three, of printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Moreland, Nye, Pardee, Pool, Traylor, Watson, and West—23.

NOES—Messrs. George, Lampson, Nelson, Rowell, Wendell, and Zuck—6.

Amendment concurred in.

Upon concurring in Assembly amendment to subdivision two, of section two thousand six hundred and forty-five, of article three, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Conger, Enos, Glascock, Gorman, Hill, Johnston, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Burt, Cheney, Davis, George, Harlan, and Nelson—6.

• Amendment concurred in.

Upon concurring in Assembly amendment to subdivision four, of section two thousand six hundred and forty-five, of article three, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Moreland, Nye, Pool, Rowell, Sears, Traylor, Watson, Wendell, and West—29.

NOES—None.

Amendment concurred in.

Upon concurring in Assembly amendment to line twelve, of subdivision five, of section two thousand six hundred and forty-five, of article three, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Conger, George, Glascock, Gorman, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pool, Watson, Wendell, and West—18.

NOES—Messrs. Baker, Byrnes, Chase, Cheney, Davis, Dickinson, Enos, Harlan, Hill, Hittell, Pardee, Rowell, Sears, Traylor, and Zuck—15.

The Senate refused to concur.

Upon concurring in Assembly amendment to line thirteen, of subdivision five, of section two thousand six hundred and forty-five, of article three, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Kane, Kelly, Moreland, Nye, Pool, Watson, and West—19.

NOES—Messrs. Baker, Byrnes, Enos, Hill, Hittell, Johnston, Lampson, Pardee, Rowell, Sears, Traylor, Wendell, and Zuck—13.

The Senate refused to concur.

Upon concurring in Assembly amendment to line fifteen, of subdivision five, of section two thousand six hundred and forty-five, of article three, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Cheney, Conger, Glascock, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Pool, Rowell, and West—16.

NOES—Messrs. Brown, Byrnes, Carlock, Davis, Dickinson, Enos, George, Gorman, Kane, Nye, Pardee, Sears, Watson, Wendell, and Zuck—15.

Senate refused to concur.

Upon concurring in Assembly amendment to section two thousand six hundred and fifty-one, of article four, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Chase, Conger, Glascock, Hill, Johnston, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—15.

NOES—Messrs. Burt, Carlock, Cheney, Davis, Dickinson, Enos, George, Gorman, Harlan, Hittell, Kane, Kelly, Nelson, Nye, Pardee, Pool, Rowell, and Zuck—18.

Senate refused to concur.

Upon concurring in Assembly substitute for section two thousand six hundred and fifty-two, of article four, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hittell, Hudson, Johnston, Kelly, Nye, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—25.

NOES—Messrs. Byrnes, Enos, George, Hill, Kane, Nelson, Pardee, Pool, and Zuck—9.

Amendment concurred in.

Upon concurring in Assembly amendment to lines two and three, of section two thousand six hundred and fifty-four, of article four, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Harlan, Hudson, Kelly, Nelson, Nye, Ryan, Satterwhite, Watson, and West—19.

NOES—Messrs. Baker, Brown, Dickinson, Enos, Gorman, Hill, Hittell, Johnston, Moreland, Pardee, Pool, Rowell, Sears, Traylor, Wendell, and Zuck—16.

Senate refused to concur.

Mr. Satterwhite moved to reconsider the vote by which the Assembly substitute for section two thousand six hundred and fifty-two, of article four, was adopted.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Byrnes, Cheney, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Johnston, Kane, Kelly, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—22.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Harlan, Hudson, Moreland, Ryan, Traylor, and Watson—13.

Motion to reconsider prevailed.

Upon concurring in Assembly substitute for section two thousand six hundred and fifty-two, of article four, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Dickinson, Gorman, Harlan, Johnston, Moreland, Traylor, Watson, and West—15.

NOES—Messrs. Byrnes, Cheney, Enos, George, Glascock, Hill, Hittell, Hudson, Kane, Kelly, Langford, Nelson, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—19.

Senate refused to concur.

Upon concurring in Assembly amendment to line two, of section two thousand six hundred and fifty-five, of article four, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—32.

NOES—Messrs. Byrnes and Zuck—2.

Amendment concurred in.

Mr. Watson moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Brown, George, Glascock, Johnston, Langford, Moreland, Ryan, Satterwhite, and Watson—10.

NOES—Messrs. Burt, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Nelson, Nye, Pardee, Pool, Rowell, Sears, Traylor, Wendell, and Zuck—24.

Motion lost.

Upon concurring in Assembly amendment to strike out section two thousand six hundred and fifty-six, of article four, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Glascock, Harlan, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, and West—14.

NOES—Messrs. Brown, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, Gorman, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Nelson, Nye, Pardee, Sears, Traylor, Wendell, and Zuck—21.

Senate refused to concur.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, May 5, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, and on motion of Mr. Anderson, approved.

Mr. Johnson moved that Mr. Brown have leave to introduce a resolution out of order.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Hill, and Enos, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, George, Johnson, Johnston, Lampson, Ryan, Traylor, Watson, and West—16.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—22.

Motion lost.

Mr. Glascock moved to reconsider the vote by which Assembly Concurrent Resolution No. 5 was on yesterday adopted.

Mr. Baker moved to lay the motion to reconsider on the table.

Upon which motion the ayes and noes were demanded by Messrs. Glascock, Conger, and Baker, and the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Gorman, Hill, Hittell, Hudson, Johnston, Nye, Pardee, Rowell, Sears, Traylor, Wendell, West, and Zuck—23.

NOES—Messrs. Anderson, Enos, George, Glascock, Harlan, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Pool, Ryan, Satterwhite, and Watson—15.

Motion carried.

RESOLUTIONS.

By Mr. Brown:

Resolved, That the Committee on Free Conference upon Assembly Bill No. 8 and Assembly Bill No. 10 be and they are hereby directed to report at ten o'clock to-morrow morning.

Upon its adoption the ayes and noes were demanded by Messrs. Enos, Moreland, and Brown.

The roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, George, Johnson, Johnston, Lampson, Ryan, Traylor, Watson, and West—16.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Langford, Moreland, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—21.

Resolution lost.

On motion of Mr. Wendell, the Senate Committee on Free Conference was granted leave of absence.

GENERAL FILE.

Consideration of Assembly amendments to Senate Bill No. 4. resumed.

Mr. Johnston moved to reconsider the vote by which the Senate refused to concur in Assembly amendment to strike out section two thousand six hundred and fifty-six of article four, on yesterday.

Mr. Baker raised the point of order that the vote taken on yesterday, by which the Senate refused to concur in striking out section two thousand six hundred and fifty-six, was the final action upon said amendment.

Mr. Baker (by request) withdrew his point of order, in order to allow the motion to be made, with the understanding that this particular case shall not be made a precedent for the future, and the motion to reconsider was entertained.

Upon the motion of Mr. Johnston, to reconsider, the ayes and noes were demanded by Messrs. Conger, Johnston, and Enos, and the roll was called, with the following result:

Ayes—Messrs. Anderson, Barker, Bart, Bartlett, Campbell, Conger, Enos, Evans, George, Horton, Hall, Housen, Johnson, Johnston, Langston, Langford, Mansfield, Neal, Russell, Ryan, Seymour, Waters, and West—21.

Noes—Messrs. Baker, Byrnes, Conger, Fenton, Hatfield, Kane, Kelly, Nelson, Nye, Fenton, Taylor, and Zuck—12.

Motion carried.

Mr. Bart stated that he was paired with Mr. Sears. He would vote aye; Mr. Sears would vote no.

Upon concurring in Assembly amendment to strike out section two thousand six hundred and fifty-six, of article four, the roll was called, with the following result:

Ayes—Messrs. Anderson, Barker, Bart, Bartlett, Campbell, Conger, Enos, Evans, George, Horton, Hall, Housen, Johnson, Johnston, Langston, Langford, Mansfield, Neal, Russell, Ryan, Seymour, Waters, and West—21.

Noes—Messrs. Baker, Byrnes, Conger, Fenton, Johnston, Kane, Kelly, Nelson, Nye, Fenton, Taylor, Waters, and Zuck—15.

Amendment concurred in.

Upon concurring in Assembly amendment to strike out in caption of article four, "two thousand six hundred and fifty-six, cities and towns not to pay tax," the roll was called, with the following result:

Ayes—Messrs. Anderson, Bart, Bartlett, Campbell, Conger, Enos, Evans, George, Horton, Hall, Housen, Johnson, Johnston, Langston, Langford, Mansfield, Neal, Russell, Ryan, Seymour, Waters, and West—21.

Noes—Messrs. Baker, Byrnes, Conger, Fenton, Enos, Johnston, Hatfield, Kane, Kelly, Nelson, Fenton, Taylor, Waters, and Zuck—15.

Amendment concurred in.

Upon concurring in Assembly amendment to lines two and six, of section two thousand six hundred and eighty-two, of article six, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—29.

NOES—Messrs. Conger, Kelly, Nelson, and Traylor—4.

Amendment concurred in.

Upon concurring in Assembly amendment to line two, of section two thousand six hundred and eighty-three, of article six, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, and West—26.

NOES—Messrs. Conger, Hittell, Kelly, Nelson, Traylor, and Zuck—6.

Amendment concurred in.

Upon concurring in Assembly amendment to line nine, of section two thousand six hundred and eighty-nine, of article six, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—26.

NOES—Messrs. Conger, Kelly, Nelson, Nye, Pardee, and Traylor—6.

Amendment concurred in.

Upon concurring in Assembly amendment to line seven, of section two thousand six hundred and ninety, of article six, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, George, Gorman, Harlan, Hill, Johnston, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—20.

NOES—Messrs. Brown, Byrnes, Conger, Davis, Enos, Kelly, Nelson, Nye, Pardee, and Traylor—10.

The Senate refused to concur.

Mr. Baker gave notice of motion to reconsider the vote whereby the Assembly amendment to strike out section two thousand six hundred and fifty-six, of article four, was concurred in.

Upon concurring in Assembly amendment to line five, of section two thousand six hundred and ninety-one, of article six, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—26.

NOES—Messrs. Conger, Kelly, and Traylor—3.

Amendment concurred in.

Mr. Traylor moved to reconsider the vote whereby the Senate refused to concur in Assembly amendment to section two thousand six hundred and ninety, of article six.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—25.

NOES—Messrs. Byrnes, Conger, Davis, and Hittell—4.

Motion to reconsider prevailed.

Upon concurring in Assembly amendment to line seven, of section two thousand six hundred and ninety, of article six, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—23.

NOES—Messrs. Baker, Byrnes, Conger, Davis, and Traylor—5.

Amendment concurred in.

Upon concurring in Assembly substitute for section two thousand six hundred and ninety-two, of article six, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Watson, and West—25.

NOES—Messrs. Baker, Conger, Pardee, Traylor, and Zuck—5.

Amendment concurred in.

Upon concurring in Assembly amendment number two, to section two thousand six hundred and ninety-two, of article six, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Enos, George, Gorman, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—24.

NOES—Messrs. Conger, Kelly, Nye, Pardee, and Traylor—5.

Amendment concurred in.

Upon concurring in Assembly amendment to line three, of section two thousand seven hundred and twelve, of article seven, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, George, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—22.

NOES—Messrs. Conger, Enos, Gorman, Kelly, Nye, Pardee, and Traylor—7.

Amendment concurred in.

RECESS.

The hour having arrived, pending consideration of Assembly amendments to Senate Bill No. 4, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Huttell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING OF BILL.

Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

Read third time.

Mr. Nye moved to recommit the bill to a special committee of one to strike out lines four and eight of section one of the bill.

Mr. Hittell raised the point of order that a similar motion has once been voted down.

The President ruled the point of order well taken.

Upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Conger, Davis, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Nelson, Pool, Ryan, Satterwhite, Traylor, Watson, and West—21.

NOES—Messrs. Baker, Brown, Carlock, Harlan, Johnston, Kane, Langford, Moreland, Nye, Pardee, and Rowell—11.

Bill passed.

Title read and approved.

Consideration of Assembly amendments to Senate Bill No. 4, resumed.

Upon concurring in Assembly amendments to lines three and four, of section two thousand seven hundred and thirteen, of article seven, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Davis, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—25.

NOES—Messrs. Lampson and Traylor—2.

Amendment concurred in.

Upon concurring in Assembly amendments, to add to section two thousand seven hundred and thirteen, of article seven, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—29.

NOES—Mr. Traylor—1.

Amendment concurred in.

Upon concurring in Assembly amendments to section two thousand seven hundred and thirty-seven, of article eight, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, George, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Langford, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—27.

NOES—Mr. Traylor—1.

Amendments concurred in.

Upon concurring in Assembly amendments to section two thousand seven hundred and forty-one, of article eight, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, George, Glascock, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Nelson, Pool, Rowell, Ryan, Satterwhite, West, and Zuck—25.

NOES—Messrs. Davis, Gorman, Nye, Traylor, and Wendell—5.

Amendment concurred in.

Upon concurring in Assembly amendment to strike out of line two, of section two thousand seven hundred and forty-two, printed bill, the word "planted," the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, West, and Zuck—26.

NOES—Messrs. Cheney, Enos, Gorman, Langford, and Traylor—5.

Amendment concurred in.

Upon concurring in Assembly amendment to strike out section two thousand seven hundred and forty-five, of article eight, the roll was called, with the following result:

AYES—Messrs. Carlock, George, Hill, Kelly, Nelson, Rowell, Satterwhite, and West—8.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Davis, Dickinson, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Lampson, Langford, Nye, Pardee, Pool, Ryan, Wendell, and Zuck—23.

Senate refused to concur.

REPORT OF COMMITTEE.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, May 5, 1881.

MR. PRESIDENT: Your Committee on Free Conference on Senate amendments to Assembly Bill No. 8, in which the House refused to concur, have had the same under careful consideration, and now unanimously recommend:

First—That the Senate recede from its amendment, number four, reducing the item for contingent expenses of Insurance Commissioner from five thousand dollars to two thousand five hundred dollars, and that the amount be now fixed at three thousand six hundred dollars.

Second—That the Senate recede from its amendment, number five, striking out the sum of three thousand dollars for inclosing bay windows, and for stoves in same, at the Napa Insane Asylum.

Third—That the House concur in Senate amendment, number six, striking out the sum of one thousand dollars for magic lantern, books, etc., for Napa Insane Asylum.

Fourth—That the House concur in Senate amendment, number seven, striking out the sum of one thousand five hundred dollars for improvement of grounds at Napa Insane Asylum.

Fifth—That the House concur in Senate amendment, number eight, striking out the sum of two thousand four hundred dollars for hay-barn and stable at Napa Insane Asylum.

Sixth—That the House concur in Senate amendment, number nine, striking out the sum of two hundred and eighty-five thousand dollars for support of State Prison at San Quentin, and substituting therefor the sum of two hundred and sixty thousand dollars.

Seventh—That the Senate recede from its amendment, number ten, striking out the sum of twelve thousand dollars for salary of State Engineer.

Eighth—That the Senate recede from its amendment, number eleven, striking out the sum of thirty thousand dollars for salary of Secretary and for the completion of the works of the State Engineer's Department, and preparation of final report, and that the following be substituted for said item: "For salary of Secretary, and for completion of the State Engineer's report on the irrigation problems, and completion of the State map now in course of preparation by said State Engineer, twenty thousand dollars: which sum may be expended as follows: fourteen thousand dollars in the thirty-third fiscal year, and six thousand dollars in the thirty-fourth fiscal year; *provided*, that said report, map, and works shall be completed during said fiscal years."

Ninth—That the House concur in Senate amendment, number twelve, striking out the sum of six thousand dollars for salary of Consulting Engineers.

Tenth—That the House concur in Senate amendment, number seventeen, striking out the sum of twelve thousand dollars for support of Mining Bureau.

WENDELL, Chairman Senate Committee.
MAY, Chairman Assembly Committee.

Upon concurring in Assembly amendment to line four, of section two thousand seven hundred and forty-six, of article eight, printed bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, West, and Zuck—29.

NOES—None.

Amendment concurred in.

Upon concurring in Assembly amendment, to strike out all after the word "indebtedness," in line six, of section two thousand seven hundred and forty-six, of article eight, the roll was called, with the following result:

AYES—Messrs. Anderson, Harlan, Johnson, Johnston, Kelly, Lampson, Langford, and Nelson—8.

NOES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Enos, George, Hill, Hittell, Hudson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Sears, Wendell, West, and Zuck—21.

The Senate refused to concur.

Senator West in the chair.

Mr. Nye moved to reconsider the vote by which the Senate concurred in Assembly amendment to section two thousand seven hundred and twelve, of article seven, line three, printed bill.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Davis, Dickinson, Enos, George, Gorman, Hittell, Hudson, Kelly, Langford, Nelson, Nye, Pardee, Sears, Wendell, and Zuck—19.

NOES—Messrs. Anderson, Burt, Byrnes, Chase, Glascock, Harlan, Hill, Johnson, Johnston, Moreland, Pool, Rowell, Ryan, Satterwhite, and West—15.

Motion lost.

Mr. Sears moved to take up Assembly messages.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the report of the Committee of Free Conference on Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years.

GEO. E. McSTAY, Chief Clerk.

Mr. Satterwhite moved the adoption of the report of the Committee of Free Conference on Assembly Bill No. 8.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Watson, Wendell, and West—29.

NOES—Messrs. Conger, Enos, Gorman, Hill, Kane, Pardee, Satterwhite, Traylor, and Zuck—9.

Report of committee adopted.

ADJOURNMENT.

At three o'clock and seven minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Friday, May 6, 1881. }

The Senate met pursuant to adjournment.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, May 5, 1881. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bills Nos. 12, 16, 22, 27, 28, 29, 30, 31, 32 and 33, being Acts making appropriations for deficiencies in the appropriations for the thirty-first and thirty-second fiscal years.

GEO. C. PERKINS, Governor.

Mr. Baker now moved to reconsider the vote by which the Senate concurred in Assembly amendment to strike out section two thousand six hundred and fifty-six, of article four, of Senate Bill No. 4.

Mr. Johnston raised the point of order that the merits of the pending motion cannot be discussed on a motion to reconsider.

The President overruled the point of order.

Mr. Langford raised the point of order that a reconsideration having once been had on the pending amendment, the present motion is out of order.

Mr. Langford withdrew his point of order.

Mr. Moreland renewed the point of order made by Mr. Langford.

The President overruled the point of order.

Mr. Chase moved to lay the motion to reconsider on the table.

Mr. West raised the point of order that a motion to lay on the table cannot be made pending the decision of the President upon Mr. Moreland's point of order.

The President sustained the point of order.

Upon Mr. Baker's motion to reconsider, the roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hittell, Hudson, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Sears, Traylor, Wendell, and West—20.

NOES—Messrs. Anderson, Burt, Chase, Cheney, George, Glascock, Hill, Johnson, Johnston, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, and Zuck—18.

There not being a constitutional majority in the affirmative, the President declared the motion lost.

Mr. Johnson moved that the Assembly be requested to recede from the amendments non-concurred in by the Senate to Senate Bill No. 4.

So ordered.

Mr. Enos raised the point of order that the amendments reported by the Free Conference Committee, and concurred in by the Senate on yesterday, to Assembly Bill No. 8, should have been printed to comply with the Constitution of the State.

The President overruled the point of order.

Mr. Sears asked leave to introduce a bill.

Mr. Zuck asked that the bill be read for information.

The Secretary was directed to read the bill for information.

Upon the question, "Shall Mr. Sears have leave to introduce a bill?" the roll was called, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Kelly, Langford, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—18.

NOES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Johnston, Kane, Lampson, Moreland, Neumann, Ryan, Traylor, Watson, and West—20.

Leave not granted.

Mr. Cheney moved to take a recess until two o'clock P. M.

Mr. Baker moved, as an amendment, to take a recess until one o'clock P. M.

Upon which motion the ayes and noes were demanded, by Messrs. Hill, Hittell, and Gorman.

The roll was called, with the following result:

AYES—Messrs. Baker, Byrnes, Carlock, Dickinson, George, Hudson, Johnson, Kane, Lampson, Nelson, Neumann, Pardee, Sears, Traylor, Watson, and West—16.

NOES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Langford, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Wendell, and Zuck—23.

Motion lost.

RECESS.

At eleven o'clock and thirty minutes A. M., on motion of Mr. Cheney, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnson moved that Mr. Ryan have leave to introduce a resolution.

Mr. Baker moved to lay the motion of Mr. Johnson upon the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Carlock, Chase, Conger, Davis, Dickinson, Hill, Hittell, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—20.

NOES—Messrs. Anderson, Burt, Cheney, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—18.

Motion carried.

REPORT OF COMMITTEE.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, May 6, 1881.

MR. PRESIDENT: Your Committee on Free Conference appointed on the part of the Senate on Assembly Bill No. 10, respectfully report that after an extended conference with the like committee appointed by the House, they have been unable to arrive at any agreement.

The Senate committee verbally suggested a modification of the bill so as to make the tax levy in form similar to the following:

"There is hereby levied for State purposes for the thirty-third fiscal year, an ad valorem tax of _____ cents upon each one hundred dollars value of taxable property in this State, to be applied to the following purposes:

"To the General Fund, _____ cents.

"To the School Fund, _____ cents.

"To the Interest and Sinking Fund, _____ cents."

Also a similar provision for the thirty-fourth fiscal year.

To this the Assembly Committee refused to accede, stating that if the tax was levied in that form, they should insist upon including therein, in express words, the drainage tax of five cents.

To further inquiry as to whether they would agree to such a modification of the Senate amendment, relative to the drainage tax, as would forbid the levy for the thirty-fourth fiscal year only, they replied that they would not. They further stated explicitly, in response to inquiries of the Senate committee, that they had no proposition to make, and would entertain none concerning the Senate amendment relative to the drainage tax, other than that the Senate should recede from its amendment. To this your committee refused to agree.

Your committee then proposed that a report should be made as to the other subjects of disagreement between the two houses, leaving the drainage tax question to remain the sole point of disagreement. To this the Assembly committee refused to agree, stating that they would consent to no report which did not include the whole subject. It had been provisionally agreed by a majority vote of the committee that the Assembly should concur in the Senate amendment reducing the school tax levy to one million three hundred thousand dollars, but in accordance with the final conclusion arrived at by the Assembly committee, they declined to agree to such a report.

The committee then adjourned to hold a final meeting at nine o'clock and fifteen minutes A. M. to-day. At that meeting, all the members declaring that their views had undergone no change, the Senate committee formally offered the following, in writing, as a substitute for the Senate amendment relative to the drainage tax: "The State Board of Equalization must determine and fix such rate of taxation, for each of such years, at the time and in the manner provided by law, and said Board in so fixing and determining said ad valorem rate or rates of taxation for said thirty-third and thirty-fourth fiscal years, shall not include any levy or rate for any purpose, except those mentioned in this Act."

Also, an amendment to the entire Tax Levy Bill, to the same effect as the verbal one before given, on each of which the Senate committee upon roll call unanimously voted aye. The Assembly committee unanimously voted not to entertain either of said amendments, and denied the right of the committee to make any changes in the bill, other than those involved in the Senate amendments.

The Assembly committee then authorized your committee to state that they were immovably opposed to any change, or modification of the bill, which would in any way tend to interfere with the levy or collection of the drainage tax.

Here the conference ended.

Your committee therefore report a disagreement, and ask that they may be discharged, and recommend that a further conference be requested and another committee appointed.

J. F. WENDELL,
WM. H. SEARS,
B. B. GLASCOCK.

Pending the reading of the report, Mr. Johnson rose to a point of order, that the committee have no right to report anything further than their action—either, first, that they have agreed; second, that they have disagreed; or, third, that they have agreed in part, and disagreed in the residue; and that no arguments or reasons for their action are permissible in said report.

The President overruled the point of order of Mr. Johnson.

Mr. West moved that the report be received, and the committee discharged.

Mr. Hill raised the point of order that nothing is in order but the reading of the report.

The President sustained the point of order.

The Secretary was directed to read the report.

Mr. Johnson moved the adoption of the following: Mr. President: I move that the Senate recede from the following amendment to Assembly Bill No. 10, to wit: "*Provided*, that the State Board of Equalization, in so fixing said ad valorem rate or rates of taxation for said thirty-third and thirty-fourth fiscal years, shall not include any levy or rate for any of the purposes mentioned in an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty; nor shall the tax specified in section twenty-four of said Act to promote drainage be levied for the said fiscal years, or either of them."

Mr. Glascock raised the point of order that the motion cannot be entertained at this time, for the reason that the bill and report of the action of the Assembly have not yet been reported from the Assembly.

The President sustained the point of order.

Mr. Johnson, by leave, temporarily withdrew his motion.

Mr. Johnson moved that the Committee of Free Conference be discharged.

Mr. Glascock moved, as an amendment, that the report of the committee be adopted.

Mr. West moved, as a substitute for all motions pending, that the report be received and passed on file, and that the committee be discharged.

Mr. Hill moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Gorman, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—20.

NOES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Harlan, Johnson, Johnston, Lampson, Neumann, Ryan, Traylor, Watson, and West—19.

Motion carried.

ADJOURNMENT.

Pending consideration of Mr. West's substitute, at three o'clock p. m. the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Saturday, May 7, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on May sixth, eighteen hundred and eighty one, voted to insist on the position formerly taken on the Senate amendments to Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of the Political Code, and to provide for the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years.

Also, receded from Assembly amendments numbers two, fourteen, and sixteen; and refused to recede from Assembly amendments numbers eighteen, fifteen, nineteen, twenty, thirty eight, and forty, to Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

FRANK J. HIGGINS, Assistant Clerk.

Mr. Wendell arose to a question of privilege, relating to statements contained in the Record-Union of to-day's issue.

Mr. Sears also arose to a question of privilege upon the same matter.

Mr. Glascock made a statement confirming the statements of Messrs. Wendell and Sears.

The President ruled that no further discussion upon the subjects spoken of by members of the Free Conference Committee was now in order.

Mr. Johnson moved the adoption of the following: Mr. President: I move that the Senate insist upon the amendments to Assembly Bill No. 10, heretofore made by the Senate, and appoint another Committee of Free Conference, to consist of five members.

Mr. Dickinson moved, as an amendment, the following:

Resolved, That the Senate recede from Senate amendment number four to Assembly Bill No. 10, and that the Senate insist upon all of the other amendments to said bill. That the Assembly be notified of this action of the Senate, and they be respectfully requested to appoint a Committee of Free Conference as to the last named amendments.

Senators Nye and Zuck asked for a division of the questions included in the pending motions.

Mr. Dickinson temporarily withdrew his motion.

Mr. Kane moved a call of the Senate.

Motion lost.

Leave of absence granted to Mr. Pardee, on account of sickness.

Mr. Dickinson moved, as an amendment to Mr. Johnson's motion, that the Senate recede from Senate amendment number four to Assembly Bill No. 10.

Mr. Zuck offered the following, and moved its adoption: Mr. President: I hereby offer, as a substitute for all motions now pending, as follows: That the Senate insist in its amendments to Assembly Bill No. 10, and that the present Committee on Free Conference be continued, and that the names of Senators Hill and Satterwhite be added to such committee.

Mr. Johnson moved that the hour of recess be extended until one o'clock P. M.

Upon which a division was demanded, and the motion prevailed by the following vote: ayes, 21; noes, 11.

The President declared the question first in order to be upon the

adoption of Mr. Dickinson's motion to recede from amendment number four to Senate Bill No. 10.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Hudson, Johnson, Lampson, Neumann, Nye, Ryan, Watson, and West—17.

NOES—Messrs. Conger, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Moreland, Nelson, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—15.

Pending a declaration of the vote by the President, Mr. Sears raised the point of order that it takes twenty-one votes to recede from the amendment.

The President ruled the point of order well taken.

Mr. Chase appealed from the decision of the President.

The question being, "Shall the decision of the President stand as the judgment of the Senate?"

RECESS.

Pending consideration of the appeal, at one o'clock P. M., the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

President pro tem. in the chair.

Mr. Chase withdrew his appeal.

Mr. Nelson moved to reconsider the vote whereby the Senate refused to recede from the amendment known as the Sears' amendment to Assembly Bill No. 10.

Mr. Sears arose to a point of order, that the motion is out of order.

The President pro tem. overruled the point of order.

Mr. Neumann moved to make the consideration of Mr. Nelson's motion the special order for next Monday, at two o'clock P. M.

So ordered.

INTRODUCTION OF BILLS.

By Mr. Sears: Senate Bill No. 35—An Act relating to the levy of a tax for State purposes for the thirty-third and thirty-fourth fiscal years.

Read first time.

Mr. Davis moved to refer the bill to the Finance Committee.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Johnson, Johnston, Lampson, Neumann, Ryan, Watson, and West—14.

NOES—Messrs. Anderson, Chase, Conger, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Moreland, Nelson, Nye, Pool, Rowell, Satterwhite, Sears, Wendell, and Zuck—20.

Motion lost.

Mr. Rowell moved to place the bill on file.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—25.

NOES—Messrs. Burt, Brown, Carlock, Cheney, Davis, George, Johnson, Lampson, and Watson—9.

Motion carried.

Mr. Zuck moved to adjourn.

Mr. Johnson moved to adjourn until Monday at two o'clock p. m.

Mr. Zuck accepted the amendment of Mr. Johnson.

Mr. Rowell renewed the motion to adjourn.

Upon the motion to adjourn, the roll was called, with the following result:

AYES—Messrs. Anderson, Conger, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Moreland, Rowell, Satterwhite, Wendell, and Zuck—15.

NOES—Messrs. Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Hudson, Johnson, Lampson, Nelson, Nye, Pool, Ryan, Sears, Watson, and West—18.

Motion lost.

Upon Mr. Johnson's motion to adjourn until Monday, at two o'clock p. m., the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Harlan, Johnson, Lampson, Nelson, Nye, Pool, Satterwhite, Sears, Watson, and West—20.

NOES—Messrs. Glascock, Gorman, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Moreland, Rowell, Ryan, Wendell, and Zuck—13.

Motion carried.

ADJOURNMENT.

At three o'clock and fifteen minutes p. m., the Senate adjourned until Monday, at two o'clock p. m.

IN SENATE.

SENATE CHAMBER, }
Monday, May 9, 1881. }

The Senate met pursuant to adjournment, at two o'clock p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West.

Quorum present.

The Journal of Saturday read and approved.

REPORT OF COMMITTEE.

By Mr. Burt:

SENATE CHAMBER, SACRAMENTO, MAY 9, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 34, and that the same has this day been placed in the hands of the Governor, at one o'clock and forty minutes p. m.

BURT, for the Committee.

Indefinite leave of absence granted to Mr. Zuck.

SPECIAL ORDER.

Monday, May ninth, eighteen hundred and eighty-one, at two o'clock p. m.: Motion to reconsider the vote by which the Senate refused to recede from Senate amendment number four, to Assembly Bill No. 10.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Johnson, Lampson, Nelson, Neumann, Nye, Ryan, Traylor, Watson, and West—19.

NOES—Messrs. Baker, Conger, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Moreland, Pardee, Pool, Rowell, Satterwhite, Sears, and Wendell—16.

Motion carried.

Mr. Johnson moved a call of the Senate.

Mr. Johnson moved to take up Assembly messages.

Mr. Satterwhite arose to a point of order that the motions to take up Assembly messages cannot be made pending a motion for a call of the Senate.

The President sustained the point of order.

Mr. Johnson, by leave, withdrew his motion for a call of the Senate, and renewed his motion to take up Assembly messages.

Upon the motion to take up Assembly messages, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Hudson, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Nye, Ryan, Traylor, Watson, and West—22.

NOES—Messrs. Baker, Conger, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Pardee, Pool, Rowell, Satterwhite, Sears, and Wendell—15.

The President declared the motion carried.

Mr. Sears arose to a point of order that the motion to take up Assembly messages requires a two-thirds vote.

The President overruled the point of order.

Consideration of Assembly message pending on Saturday now resumed.

Mr. Satterwhite arose to a point of order that the Assembly message of Saturday has gone to the file, and cannot be taken up again under the head of Assembly messages.

The President overruled the point of order.

Mr. Johnson moved that the Senate recede from the Sears amendment to Assembly Bill No. 10.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Hudson, Johnson, Johnston, Lampson, Nelson, Neumann, Nye, Ryan, Traylor, Watson, and West—21.

NOES—Messrs. Baker, Conger, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Langford, Moreland, Pardee, Pool, Rowell, Satterwhite, Sears, and Wendell—16.

The Senate recedes.

Mr. Johnson moved that the Senate insist on its other amendments to Assembly Bill No. 10.

So ordered.

Indefinite leave of absence granted to Mr. Johnson.

Mr. Sears moved that a Committee of Free Conference be appointed on the remaining differences existing between the two houses on Assembly Bill No. 10.

So ordered.

MESSAGE FROM ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other expenses incidental thereto, of the State of California, during the thirty-second fiscal year.

FRANK J. HIGGINS, Assistant Clerk.

Mr. Johnston moved that a Committee of Free Conference be appointed on the pending amendments to Senate Bill No. 4.

So ordered.

The President announced the appointment of the following Free Conference Committees: On Senate Bill No. 4, Messrs. Johnston, Langford, and Burt; on Assembly Bill No. 10, Messrs. Sears, Dickinson, and Gorman.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, May 9, 1881. }

To the Senate of the State of California:

I herewith respectfully return to your honorable body, without my approval, Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

The purpose of this Act is in the further appropriation of moneys from the Treasury of the State in payment of the expense incurred by reason of the extra session of the Legislature. On the twentieth day of April last, I approved an Act appropriating the sum of forty-two thousand seven hundred dollars for a similar purpose.

It seemed to me that the amount was sufficient to cover every expense, and the subjects to which your attention were called were of a character easy of solution, and could have been accomplished within the time stated in my proclamation. I admit that it is not within the power of the Executive to place a limit fixing the term of a legislative session.

But inasmuch as the Legislature had failed at its regular session to frame certain laws that were necessary for the very existence of the State government, the Executive had no alternative but to again convene your honorable body in legislative session, and he believed you would gladly welcome an intimation of a period of time upon which all would agree to terminate the undertaking. I was strengthened in this belief from the assurance of members of the Legislature—representatives of all the political parties—that the subjects proposed, and issued in the call for an extra session, would not occupy a longer period than two weeks, induced me in part to include a limit of time which should be sufficiently ample in the allowance of the fullest debates on the proposed subjects.

Urgent requests from leading and influential citizens, and importunities from almost every county in the State, were crowded on me to insert within the proclamation many subjects of vital local and State importance overlooked, or lost for want of time, at the regular session.

I deemed it my duty to the taxpayers of the State to decline to insert any subject not imperatively demanded, either by constitutional requirement or absolutely necessary to carry on the Government of the State. Subject-matters that had been acted upon at the regular session, I could but assume, in the absence of any expression from the members of the Legislature to the contrary, would not be reconsidered by the same members only a few weeks later, and if named would tend only to prolong the session, with its attendant expense. Hence, the subjects presented for your consideration were only those that were considered imperative, viz.: a general appropriation bill; the levy of taxes necessary for the support of the State government; the payment of deficiencies incurred from lack of sufficient funds in certain appropriations; the

division of the State into Senatorial, Assembly, and Congressional districts, expressly directed by constitutional requirements; and also the enactment of a general road law.

Bills on the above named subjects were introduced at an early day at the regular session: their passage was urged as being of vital importance to the best interests of the State; no valid reason has ever been assigned why such action was not consummated. An extra session was made inevitable through this failure to provide for the support of the government: and every subject was eliminated from the call likely to cause heated discussion or to produce unfriendly feelings.

In view of these facts, and in the full belief that your honorable bodies have had ample time to transact the business for which you have been especially convened, I respectfully return this bill, without my approval.

GEO. C. PERKINS, Governor.

The question recurring, "Shall the bill become a law, notwithstanding the objections of the Governor?"

Mr. Satterwhite moved to make the question the special order for Wednesday, at two o'clock P. M.

Mr. Moreland moved to amend by making the time Tuesday, at two o'clock P. M.

Mr. Hittell moved, as a substitute, that the time be fixed for Wednesday, at eleven o'clock A. M.

Motion lost.

Upon Mr. Moreland's motion, a division was demanded, and the motion prevailed by the following vote: Ayes, 21; noes, 14.

SECOND READING OF BILLS.

Senate Bill No. 35—An Act relating to the levy of a tax for State purposes for the thirty-third fiscal year.

Read second time.

Mr. Brown moved that the bill be indefinitely postponed.

Mr. Baker moved to adjourn.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Davis, Ryan, and Traylor—5.

NOES—Messrs. Anderson, Brown, Chase, Conger, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Wendell, and West—25.

Motion lost.

Upon the motion to indefinitely postpone Senate Bill No. 35, the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Davis, George, Lampson, Ryan, Watson, and West—8.

NOES—Messrs. Anderson, Baker, Chase, Conger, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, and Wendell—24.

Motion lost.

Mr. Dickinson gave notice that on to-morrow he would move to reconsider the vote by which the Senate refused to indefinitely postpone the bill.

Senate Bill No. 35 ordered engrossed.

ADJOURNMENT.

At four o'clock and five minutes P. M., on motion of Mr. Neumann, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, May 10, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Ryan, Satterwhite, Sears, Wendell, and West.

Quorum present.

The Journal of yesterday read and approved.

REPORT OF COMMITTEE.

By Mr. George:

SENATE CHAMBER, SACRAMENTO, May 10, 1881.

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 35—An Act relating to the levy of a tax for State purposes for the thirty-third and thirty-fourth fiscal years.

GEORGE, Chairman.

THIRD READING OF BILLS.

Senate Bill No. 35—An Act relating to the levy of a tax for State purposes for the thirty-third and thirty-fourth fiscal years.

Read third time.

Roll called, and bill failed to pass, by the following vote:

AYES—Messrs. Baker, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Pardee, Pool, Rowell, Satterwhite, and Wendell—16.

NOES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Davis, Dickinson, George, Johnston, Lampson, Ryan, Sears, and West—13.

Mr. Sears gave notice of motion to reconsider the vote by which the bill failed to pass.

Mr. Davis moved to take a recess until two o'clock p. m.

Mr. Baker moved to adjourn.

Indefinite leave of absence granted to Senator Carlock, after to-morrow, on account of sickness in his family.

Leave of absence granted to Senator Cheney for to-day.

Upon the motion to adjourn, the roll was called, with the following result:

AYES—Mr. Lampson—1.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, and West—31.

Motion lost.

RECESS.

At ten o'clock and fifteen minutes A. M., on motion of Mr. Davis, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West.

Quorum present.

SPECIAL ORDER.

Tuesday, May tenth, eighteen hundred and eighty-one, at two o'clock P. M.: The consideration of the Governor's veto of Senate Bill No. 34.

Mr. Dickinson moved to postpone the special order until to-morrow at two o'clock P. M.

Upon which motion, the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hittell, Hudson, Kane, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and West—22.

NOES—Messrs. Anderson, Burt, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kelly, Moreland, Nelson, Pool, Ryan, and Satterwhite—14.

Motion carried.

On motion of Mr. Davis, Assembly messages were taken up.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of the Political Code, and to provide for the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years—as follows:

Amendments fixing the tax levy for the General Fund for the thirty-third and thirty-fourth fiscal years.

Also, amendments fixing the tax levy for school purposes for the thirty-third and thirty-fourth fiscal years.

Also, that Messrs. Wason of Ventura, Baker, and Whipple have been appointed the Committee of Free Conference on Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

FRANK J. HIGGINS, Assistant Clerk.

Mr. Davis moved that the Committee of Free Conference heretofore appointed on Assembly Bill No. 10, be discharged.

So ordered.

ADJOURNMENT.

At two o'clock and ten minutes P. M., on motion of Mr. Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
 Wednesday, May 11, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Bart, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, T aylor, Watson, Wendell, and West.

Quorum present.

The Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

By Mr. Dickinson: Senate Bill No. 36—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Read first time and placed on file.

By Mr. Davis: Senate Bill No. 37—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

Read first time and placed on file.

REPORT OF COMMITTEE.

SENATE CHAMBER, SACRAMENTO, May 11, 1881.

MR. PRESIDENT: Your Committee of Free Conference on Assembly amendments to Senate Bill No. 4, in which the Senate refused to concur, have had the same under consideration, and now unanimously recommend as follows:

First—That the Senate concur in Assembly amendment number fifteen, section two thousand six hundred and forty-five, striking out "seventy-five days," and inserting "one hundred days."

Second—That the Senate concur in Assembly amendment number eighteen, section two thousand six hundred and fifty-one, adding three new subdivisions to said section.

Third—That the Assembly recede from its amendment number nineteen, section two thousand six hundred and fifty-two, and the following be adopted as a substitute for the section:

SUBSTITUTE FOR SECTION TWO THOUSAND SIX HUNDRED AND FIFTY-TWO.

The Board of Supervisors may annually, at any regular meeting held between the first days of January and March of each year, levy upon each male person over twenty one and under fifty five years of age, found in each road district during the time for the collection of road poll taxes for that year, an annual road poll tax not exceeding three dollars; and every such person in a road district who has not paid the same in some other district must pay the amount of road poll tax so levied: *provided*, that any person may work out his road poll tax so levied by two days' labor, under the direction of the Road Overseer or Road Commissioner. The Board of Supervisors shall fix, by ordinance, the time during which all persons liable for road poll tax may, at their option, perform such labor. The Road Overseer, or Road Commissioner, shall give each person performing such labor a certificate thereof. At the expiration of the time fixed by the Board for the performance of such labor, said poll tax shall be due from every person, liable as aforesaid, not holding a certificate that he has performed such labor, and shall be collected by the various Road Overseers, or Road Commissioner when there is no Road Overseer, in their respective districts, and in the same manner that State poll taxes are collected. For the purpose of collecting road poll taxes, every Road Overseer, or, in case there is no Road Overseer, the Road Commissioner, is hereby invested with the same powers and authority as the collector of State poll taxes; and all the remedies given by law for the collection of State poll

taxes shall apply to and be in force for the collection of road poll taxes. Road poll tax receipts, in blank, signed and numbered in the same manner that other poll tax receipts are signed and numbered, shall be delivered by the Auditor of the county to each person charged with the collection of road poll taxes, on or before the first Monday of March of each year; and he shall be charged with the amount of such road poll tax receipts delivered to him, and be credited with those returned, and shall settle with the Auditor, and pay over the amounts collected, in the manner provided by section three thousand eight hundred and fifty-three of this Code. Twenty per cent. of all road poll taxes so collected shall be apportioned to the General Road Fund, and the balance shall be apportioned among the road districts of the county in proportion to the amount of poll tax for road purposes levied and collected in each.

Fourth—That the Senate concur in Assembly amendment number twenty, section two thousand six hundred and fifty-four, striking out that part of the section which limits the rate of property tax to be levied to thirty cents on each one hundred dollars.

Fifth—That the Assembly recede from its amendment, number thirty-eight, section two thousand seven hundred and forty-five, striking out all of said section.

Sixth—That the Senate concur in Assembly amendment number forty, section two thousand seven hundred and forty-six, striking out the proviso in said section.

WM. JOHNSTON, Chairman of Senate Committee.

MILTON WASON, Chairman of Assembly Committee.

Pending remarks of Mr. Conger, Mr. Glascock arose to a point of order, that nothing is before the Senate except concurrence or non-concurrence in the report of the Free Conference Committee.

The President sustained the point of order, and ruled that the discussion upon the merits or constitutionality of the bill is out of order.

Upon adopting the report of the Free Conference Committee, Mr. Johnston moved that the amendments be acted upon seriatim.

So ordered.

Upon concurring in Assembly amendment number fifteen, to section two thousand six hundred and forty-five, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Davis, George, Glascock, Harlan, Hill, Hudson, Johnston, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, and West—21.

NOES—Messrs. Baker, Conger, Enos, Gorman, Hittell, Kane, Kelly, Nelson, Pardee, Sears, and Wendell—11.

Amendment concurred in.

Upon concurring in Assembly amendment number eighteen, to section two thousand six hundred and fifty-one, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Glascock, Harlan, Hill, Hudson, Johnston, Lampson, Langford, Moreland, Neumann, Pool, Rowell, Ryan, Satterwhite, Watson, Wendell, and West—23.

NOES—Messrs. Baker, Conger, Enos, George, Gorman, Hittell, Kane, Kelly, Nelson, Nye, Pardee, Sears, and Traylor—13.

Amendment concurred in.

Upon concurring in Assembly amendment number twenty, to section two thousand six hundred and fifty-four, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, George, Glascock, Harlan, Hill, Hudson, Johnston, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, and West—22.

NOES—Messrs. Baker, Conger, Dickinson, Enos, Gorman, Hittell, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Sears, Traylor, and Wendell—15.

Amendment concurred in.

Upon concurring in Assembly amendment number four, to section two thousand seven hundred and forty-six, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, George, Glascock, Harlan, Hudson, Johnston, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, and West—21.

NOES—Messrs. Baker, Conger, Enos, Gorman, Hittell, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Sears, Traylor, and Wendell—14.

Amendment concurred in.

Upon the adoption of the report of the Free Conference Committee on Assembly amendments to sections two thousand six hundred and fifty-two and two thousand seven hundred and forty-five, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Glascock, Harlan, Hill, Hudson, Johnston, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Watson, and West—22.

NOES—Messrs. Baker, Conger, Enos, George, Gorman, Hittell, Kane, Nelson, Pardee, Sears, Traylor, and Wendell—12.

Report of committee adopted.

Upon the adoption of the report of the Free Conference Committee, as a whole, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, George, Glascock, Harlan, Hill, Hudson, Johnston, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Watson, and West—21.

NOES—Messrs. Baker, Conger, Enos, Gorman, Hittell, Kane, Kelly, Nelson, Nye, Pardee, Sears, Traylor, and Wendell—13.

Report adopted.

Mr. Sears, pursuant to previous notice given, now moved to reconsider the vote by which Senate Bill No. 35 failed to pass on yesterday.

Mr. Brown moved to lay the motion on the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Johnston, Lampson, Nelson, Traylor, Watson, and West—15.

NOES—Messrs. Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, and Wendell—21.

Motion lost.

Upon the motion of Mr. Sears to reconsider, the roll was called, with the following result:

AYES—Messrs. Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Neumann, Pardee, Pool, Rowell, Satterwhite, Sears, and Wendell—20.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Johnston, Lampson, Nye, Ryan, Watson, and West—15.

Motion carried.

Upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, and Wendell—20.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Johnston, Lampson, Nelson, Neumann, Ryan, Watson, and West—16.

Bill failed to pass.

RESOLUTIONS.

By Mr. Hittell:

Resolved. That the office of Engrossing Clerk of the Senate be and is hereby declared vacant.

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, Watson, and Wendell—29.

NOES—Mr. Johnston—1.

Resolution adopted.

By Mr. Nelson:

Resolved, That James F. Seel, the Mail Carrier of the Senate, be and he is hereby allowed one dollar per day, from April fourth, eighteen hundred and eighty-one, during this extra session of the Legislature, for cartage of mail to and from the Post Office, and for receiving and delivering mail to members after hours, and the Controller of State is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Read, and referred to Committee on Contingent Expenses.

By Mr. Brown:

Resolved, That M. E. Brennan be and is hereby appointed Engrossing Clerk of this Senate, for the residue of this session.

Mr. Ryan moved to lay the resolution on the table.

Upon which motion the roll was called, with the following result:

AYES—Messrs. Burt, Chase, George, Hittell, Johnston, Moreland, Nye, Rowell, Ryan, Sears, Watson, and Wendell—12.

NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, Glasecock, Gorman, Harlan, Hill, Hudson, Kane, Lampson, Nelson, Neumann, Pardee, Satterwhite, T aylor, and West—21.

Motion lost.

Mr. Wendell moved the following substitute resolution:

Resolved, That the Chairman of the Committee on Engrossment be authorized to receive from the Secretary, and receipt for all bills requiring engrossment, and to employ such assistance as may be necessary to properly engross the same, at the compensation provided in section two hundred and forty-nine of the Political Code.

Upon its adoption the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Chase, Conger, Davis, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Sears, Watson, Wendell, and West—26.

NOES—Messrs. Brown, Byrnes, Cheney, Enos, Gorman, Neumann, and Satterwhite—7.

Substitute adopted.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the report of the Committee of Free Conference on Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

G. E. McSTAY, Chief Clerk.

RECESS.

At twelve o'clock and twenty minutes p. m., on motion of Mr. Baker, the Senate took a recess until two o'clock p. m.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West.

Quorum present.

SPECIAL ORDER.

Wednesday, May eleventh, eighteen hundred and eighty-one, at two o'clock P. M.—The consideration of the Governor's veto of Senate Bill No. 34.

Mr. Neumann moved that it be further postponed until to-morrow at two o'clock P. M.

Upon which motion the ayes and noes were demanded by Messrs. Neumann, Enos, and Ryan.

The roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Davis, Dickinson, Hill, Hittell, Hudson, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Watson, and Wendell—16.

NOES—Messrs. Anderson, Burt, Byrnes, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—20.

Motion lost.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, Sears, Traylor, and West—28.

NOES—Messrs. Baker, Brown, Hittell, Johnston, Neumann, Nye, Pardee, Rowell, Watson, and Wendell—10.

The President announced that the bill having received a two-thirds vote of all the Senators elected, the bill is passed, notwithstanding the Governor's objections.

ADJOURNMENT.

At two o'clock and fifteen minutes P. M., on motion of Mr. Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, May 12, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Glascock, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West.

Quorum present.

The Journal of yesterday read and approved.

On motion of Mr. Davis, the vote of Mr. Sears was ordered to be recorded in the affirmative upon the vote by which Senate Bill No. 34 was, on yesterday, passed, notwithstanding the objections of the Governor.

On motion of Mr. Baker, the name of Senator Johnston was ordered recorded in the negative, upon the same vote.

SECOND READING OF BILLS.

Senate Bill No. 36—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Mr. Moreland moved to indefinitely postpone the bill.

Upon which motion, the ayes and noes were demanded by Messrs. Brown, Chase, and Conger, and the roll was called, with the following result:

AYES—Messrs. Anderson, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—12.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Hill, Hittell, Hudson, Johnston, Lampson, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and West—25.

Motion lost.

Bill read second time.

Mr. Nye moved the adoption of the following: Amend section one hundred and one to read as follows:

SEC. 101. That portion of the County of Alameda bounded as follows: All of Murray and Washington Townships, and all of Eden Township not included in the Sixtieth Assembly District, shall comprise the Sixty-first Assembly District.

Adopted.

Mr. Ryan moved the adoption of the following: Amend Senate Bill No. 36 by striking out all relating to apportioning the State for Assembly Districts.

Lost.

Bill ordered engrossed.

Senate Bill No. 37—An Act making appropriations to pay the

expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

Mr. Davis (by leave) withdrew the bill.

Indefinite leave of absence was granted to Mr. Glascock.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on May eleventh, eighteen hundred and eighty-one, passed, by a vote of more than two thirds of the members elected thereto (notwithstanding the Governor's veto), Senate Bill No. 34 - An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

Also, adopted Assembly Concurrent Resolution No. 7, relative to adjournment sine die of the Legislature of the State of California.

G. E. McSTAY, Chief Clerk.

Assembly Concurrent Resolution No. 7, as above, read.

RECESS.

Pending the passage of Assembly Concurrent Resolution No. 7, the hour having arrived, the President declared a recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnston moved that two thousand extra copies of the Road Law (Senate Bill No. 4) be ordered printed, as enrolled.

The question recurred upon the passage of Assembly Concurrent Resolution No. 7.

The roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Anderson, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—29.

NOES—Messrs. Baker, Burt, Davis, Nye, Rowell, and Watson—6.

Mr. Dickinson asked leave to withdraw Senate Bill No. 36, ordered to engrossment this morning.

So ordered.

REPORTS OF COMMITTEES.

By Mr. Carlock:

SENATE CHAMBER, SACRAMENTO, May 12, 1881.

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred the following: *Resolved*, That James F. Seel, the Mail Carrier of the Senate, be and he is hereby allowed one dollar per day, from April fourth, eighteen hundred and eighty-one, during this extra ses-

sion of the Legislature, for cartage of mail to and from the Post Office, and for receiving and delivering mail to members after hours, and the Controller of State is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, report back, and the undersigned recommend that it be adopted.

A. B. CARLOCK,
T. K. NELSON,
JAMES D. BYRNES.

Said committee recommend the adoption of the following:

Resolved, That A. Wasson be and is hereby allowed the sum of forty dollars and fifteen cents, payable out of the appropriation for the contingent expenses of the Senate, in full for the following demands:

For ice furnished Senate	\$32 65
For washing towels	7 50
	<hr/> \$40 15

A. B. CARLOCK,
T. K. NELSON,
W. W. MORELAND,
JAMES D. BYRNES.

MINORITY REPORT.

By Mr. Moreland:

SENATE CHAMBER, SACRAMENTO, May 12, 1881.

MR. PRESIDENT: The undersigned, a minority of the Committee on Contingent Expenses, dissents from the report of the majority of said committee, recommending the adoption of the resolution to pay James F. Seel one dollar per day for the cartage of mail, etc., as the undersigned is not aware that the Senate authorized the said Seel to hire any carts, or that any of the mails of this Senate have been carted. The undersigned is further of the opinion that the adoption of the resolution would be an evasion of that section of the Constitution which prohibits the increase of the salary of any employé after his election or appointment.

W. W. MORELAND.

Upon the adoption of the resolution in relation to the Mail Carrier, the ayes and noes were demanded by Messrs. Nye, Burt, and Wendell.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Carlock, Enos, Harlan, Hill, Kane, Kelly, Lampson, Nelson, Pool, Ryan, Satterwhite, Watson, and West—14.

NOES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, George, Gorman, Hittell, Johnston, Langford, Moreland, Nye, Pardee, Rowell, Sears, Traylor, and Wendell—19.

Resolution lost.

Resolution in relation to A. Wasson adopted.

ADJOURNMENT.

At two o'clock and fifty-five minutes P. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Friday, May 13, 1881. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORT OF COMMITTEE.

By Mr. Hudson:

SENATE CHAMBER, SACRAMENTO, May 13, 1881.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 4, and that the same has this day been placed in the hands of the Governor, at nine o'clock and fifty minutes A. M.

HUDSON, Chairman.

Mr. Dickinson moved to take a recess until eleven o'clock A. M.
Lost.

RECESS.

At ten o'clock and seven minutes A. M., on motion of Mr. Johnston, the Senate took a recess until ten o'clock and thirty minutes A. M.

REASSEMBLED.

The Senate reassembled at ten o'clock and twenty minutes A. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Burt, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnston, Kane, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Traylor, Wendell, and West.

No quorum present.

Mr. Johnson moved a call of the Senate.

So ordered.

The absentees were Senators Anderson, Baker, Brown, Byrnes, Chase, Enos, Gorman, Harlan, Kelly, Lampson, Neumann, Pool, Watson, and Satterwhite.

On motion of Mr. Hittell further proceedings under the call were dispensed with.

A message was received from the Governor, which, on motion, was ordered taken up for consideration.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.
SACRAMENTO, May 13, 1881. J

To the Senate of the State of California:

I have to inform your honorable body that I herewith return, without approval, Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two, in said Code, relating to roads and highways.

The proclamation which convened your honorable body in extra session named as one of the subjects requiring your attention the enactment of "a general road law."

The bill passed for that purpose, and now under consideration, delegates to the Board of Supervisors of the various counties the power to impose an unlimited property tax for road purposes. This is a departure from that policy which previous Legislatures in this State have believed to be prudent—that is, to designate a boundary, place some limit in local taxation that will permit efficient government, and at the same time compel economy. For it cannot be denied

that in some counties much extravagance in the expenditure of public money has prevailed by county officials. I believe it the part of wise legislation to remove both the temptation and opportunities for extravagance.

The bill also seeks to provide an entire change in the law relating to the streets of incorporated cities and towns, by confounding such streets with county roads, and ignoring the exclusive power of cities and towns to improve their streets. It provides that a road poll tax of three dollars, as well as a road property tax, be imposed upon the residents of cities and towns for county road purposes, notwithstanding such residents pay all the expenses for the construction and repair of their streets. On the other hand, the residents of the counties outside of cities and towns are to be taxed for city and town streets. A city or town street is not properly a county road, and has never, in the history of the State, been so treated.

All our legislation has recognized a difference between the two, and, so far as I can find, the new Constitution does not abrogate the difference. If this be so, it is plain that a resident of a county outside of a city or town cannot be taxed for laying out and improving a street in such city or town: and, on the other hand, a resident of a city or town which pays for its own streets, cannot be taxed for county roads. If he be so taxed, he is doubly taxed.

If this view be correct, and so it seems to me, it is plain that "a general road law" cannot include the laying out, improvement, and repair of streets in cities and towns: that therefore the bill under consideration, which proposes to legislate for cities and towns as well as for counties, is not "a general road law:" and that it is consequently not only unconstitutional in itself, but also unconstitutional in so far as it is not embraced in the proclamation for an extra session, which contemplates only a general road law, and not a road and street law combined.

It is claimed by many that the Act is not intended to, and does not apply to the City and County of San Francisco: yet, all who have given the subject-matter any thought, admit that there is a conflict of opinion on the question, and that it can only be adjudicated by an appeal to the Courts. It seems to me to be exceedingly unfortunate if the bill cannot be so amended that all doubt in this respect may be removed.

I realize that the subject of roads and highways is one of great interest and concern to several counties of the State, and I would not hesitate in giving the bill my approval did I feel that in doing so I would be properly discharging my duty to the people of the State. Instead, however, of exercising my constitutional right in permitting the bill to rest without action, which would prove fatal to its becoming a law, I have, at the risk of being charged with trenching upon the legislative department of the government, returned the bill to your honorable body, that it may, if you think my judgment in error, become a law notwithstanding my objections.

GEORGE C. PERKINS, Governor.

The message was read.

The question being, "Shall Senate Bill No. 4 become a law, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Carlock, Chase, Cheney, Hill, Johnston, Lampson, Langford, Moreland, Nye, Rowell, Ryan, West, and Zuck—15.

NOES—Messrs. Conger, Davis, Dickinson, George, Gorman, Hittell, Kelly, Nelson, Pardee, Sears, Traylor, and Wendell—13.

The President declared the bill lost, it having failed to receive the requisite two-thirds vote.

RECESS.

At eleven o'clock and twenty-five minutes A. M., on motion of Mr. Dickinson, the Senate took a recess until eleven o'clock and forty-five minutes A. M.

REASSEMBLED.

The Senate reassembled at eleven o'clock and forty-five minutes A. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Hill, Hittell, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Ryan, Sears, Traylor, West, and Zuck.

Quorum present.

Mr. Hill moved that a committee of three be appointed to wait on the Governor to ascertain whether he has any further communication to make to the Senate.

So ordered.

The President appointed as such committee, Senators Hill, Dickinson, and Moreland.

RESOLUTION.

Mr. Cheney moved the adoption of the following resolution:

Resolved, That the thanks of the Senate be and they hereby are tendered to J. R. Hodson, of Sacramento, for his gift to the State of the finely executed group of the officers and members of this Senate, and that the Secretary be requested to present a copy of this resolution to Mr. Hodson.

Adopted.

On motion of Mr. Burt, the Secretary was instructed to inform the Assembly that the Senate has no further business to communicate.

A message was received from the Assembly, stating that they had no further business to communicate to the Senate.

Mr. Hill, of special committee appointed to wait upon the Governor, reported that he had no further communication to make to the Senate.

ADJOURNMENT.

At twelve o'clock M., pursuant to concurrent resolution adopted by both houses of the Legislature, the President declared the Senate adjourned sine die.

JOHN MANSFIELD,

President of the Senate.

Attest: J. A. ORR,

Secretary of the Senate.

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ABBREVIATIONS.—S. B., Senate Bill; A. B., Assembly Bill; S. C. R., Senate Concurrent Resolution; A. C. R., Assembly Concurrent Resolution; S. J. R., Senate Joint Resolution; A. J. R., Assembly Joint Resolution.

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50	An Act to prohibit the further appropriation of money out of the State treasury for the support of the National Guard. Kane-----	13		
51	An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, any county, city and county, municipality, or other political subdivision of this State, is party. Nelson-----	14		
52	An Act to amend Section 340 of the Penal Code, relative to pawn-brokers charging an unlawful rate of interest. Nelson-----	14	62	467

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55	An Act to prevent discrimination by gas companies in the State of California. Enos.....	14		
56	An Act for the payment of certain bonds issued to Commissioners as compensation for auditing certain claims arising out of Indian hostilities. Enos.....	14		
57	An Act to amend the Political Code of the State of California, by adding a new section thereto. Enos.....	14		
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62	An Act to amend Section 3644 of the Political Code, relating to the assessment of vessels. Wendell.....	19		
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67	An Act to amend Section 974 of the Code of Civil Procedure, relating to appeals in civil actions. Davis.....	19		
68	An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872. Davis.....	20		
69	An Act to amend Sections 680 and 681 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands and other moneys. Davis.....	20		
70	An Act to amend Section 667 of the Penal Code, concerning the punishment of a second offense after conviction of petit larceny, or an attempt to commit a State Prison offense. Nye.....	20		

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72	An Act to repeal subdivision two of Section 995 of the Penal Code, and to renumber Sections 3 and 4. Enos.....	20		
73	An Act to repeal Section 943 of the Penal Code. Enos.....	20		
74	An Act to amend Sections 59 and 60 of the Civil Code, relating to marriages. Dickinson.....	20		
75	An Act to pay the claim of the members and employes of the late Board of Reclamation Fund Commissioners. Neumann.....	20		
76	An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation. Dickinson.....	20	89	302
77	An Act to amend Section 688 of the Code of Civil Procedure. West..	20	126	
78	An Act to amend Sections 1044 and 2947 of the Code of Civil Procedure. West.....	20	126	
79	An Act to amend Section 1249 of the Penal Code. Glascock	20	88	
80	An Act to amend Section 243 of the Penal Code. Glascock	20	63	316
81	An Act to add to part two, division second, of the Civil Code, a new title, to be known as Title Five, containing eighteen sections, to be numbered 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, and 895, relating to mining laws, and forming mining districts. Brown	21	129	
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83	An Act to establish Boards of Education, and to define their powers and duties, in cities, or consolidated cities and counties, of over one hundred thousand inhabitants, and to provide for the support and maintenance of common schools in such cities, or consolidated cities and counties. Enos	21		
84	An Act to amend Section 4204 of the Political Code, relating to the duties of County Clerks. Watson.....	21		
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87	An Act to enforce the provisions of section three, of article twelve, of the Constitution. Johnson.....	21	88	
88	An Act to amend Section 2217 of the Political Code, relating to commitment of insane persons. Johnson.....	21	88	304
89	An Act in relation to companies or corporations transacting fire, marine, or inland insurance in California, and prescribing as to rate of dividends, liabilities of stockholders, transfer of stock, value of policy, provisions as to arbitration, and statement of assets. Johnson.....	21		
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96	An Act to amend Sections 312 and 315 of the Civil Code, relating to corporations. Johnston-----	24	89	
97	An Act to amend Sections 1202 and 1203 of the Civil Code, relating to actions for proving instruments and correcting defective certificates of acknowledgments. Johnston-----	24	126	
98	An Act to amend Section 1405 of the Civil Code, relating to succession. Johnston-----	24	126	
99	An Act to amend Section 2282 of the Civil Code, relating to the manner in which a trustee may be discharged from his trust. Johnston-----	24	126	
100	An Act to amend Sections 3467 and 3469 of the Civil Code, relating to assignments for the benefit of creditors. Johnston-----	24	126	
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102	An Act to regulate fire, marine, and inland insurance companies transacting business in this State. Kelly-----	25		
103	An Act to amend title nine, of part three, of the Political Code of the State of California, relating to the revenue, and to add a new section to the same, to be numbered Section 3068. Baker-----	25		
104	An Act to protect and promote the horticultural interests of the State. Baker-----	25	205	
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106	An Act to authorize D. M. Kenfield to sue the State of California. Lampson-----	25		
107	An Act to amend Section 1084 of the Political Code, relating to elections. Lampson-----	25		
108	An Act to add a new section to the Political Code, and to amend Sections 1230 and 1236 of the same, relating to elections. Lampson-----	25		
109	An Act to amend an Act entitled "An Act relating to children," approved March 30, 1878. Hittell-----	25		
110	An Act to limit the rate of taxation for municipal purposes in cities and consolidated cities and counties of the State of California. Gorman-----	25		
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113	An Act to amend Section 1858 of the Political Code, relating to public schools. Moreland	25	257	
114	An Act providing for the recovery of money paid on contracts for the sale of shares of the capital stock of any corporation or association, on margin, to be delivered at a future day. Enos	25		
115	An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream, approved March 26, 1868. Kane	26		
116	An Act to add a new section to the Code of Civil Procedure, to be known as Section 663, relating to proceedings for new trials. Hittell	26	128	
117	An Act to amend Section 1970 of the Penal Code, and to reduce the number of peremptory challenges in criminal cases. Satterwhite ..	30	125	
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119	An Act to divide the State into Senatorial and Assembly Districts, and provide for the election of Senators and Assemblymen therein. Wendell	30	311	
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126	An Act to provide for the deficiency in the appropriation "for payment of postage and contingent expenses of Clerk of Supreme Court," during the thirty-first fiscal year. Zuck	31	151	
127	An Act to provide for the deficiency in the appropriation "for repairs to the State Capitol and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years. Zuck	31	233	
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151	An Act relative to foreign insurance companies. Enos	35		
152	An Act to amend Section 1521 of the Political Code, relating to the powers and duties of the State Board of Education. Wendell	35		
153	An Act to amend an Act entitled an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880. Rowell	35		
154	An Act to provide for the control, maintenance, and apprenticing of children in the orphan asylums of this State. Rowell	35		
155	An Act in relation to the business in which Chinese shall be permitted to engage in California. Johnson	35		
156	An Act to add eight new sections to the Political Code, to be known as Sections 1880, 1881, 1882, 1883, 1884, 1885, 1886, and 1887, relating to the issuance of bonds by the Trustees of school districts to raise money for building purposes, and to provide for the payment of the same. Carlock	43	151	448
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158	An Act to amend an Act entitled "An Act to amend Sections 3335 and 3337 of the Political Code," approved April 1, 1878, relating to the organization of fire companies. Hill	43		
159	An Act to encourage the destruction of coyotes. Lampson	43		
160	An Act relative to insurance policies. Enos	43		
161	An Act to amend an Act entitled "An Act to promote drainage," approved April 23, 1880, by adding a new section thereto, to be known as Section 30, providing what lands shall be included in drainage districts. Wendell	43		
162	An Act to regulate licenses for the sale of liquors. Ryan	43	225	
163	An Act to amend Section 300 of the Penal Code, in relation to keeping open places of business on Sunday. Johnson	43		
164	An Act to establish a simple and inexpensive system of procedure in civil cases. Enos	44		
165	An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State. Enos	44		
166	An Act to provide for fixing the rates of compensation for water supplied for domestic and other uses within the corporate limits of cities and counties, cities, or towns in the State of California. Dickinson	45		

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168	An Act to amend Section 3381 of the Political Code, relating to retail liquor licenses. (Substitute passed.) Hill.....	48	225	
169	An Act relative to the publication of the statutes and joint and concurrent resolutions of the Legislature. Hittell.....	48	204	
170	An Act to add new sections to the Political Code, to be known as Sections 635, 636, 637, and 638, prescribing additional duties to the Insurance Commissioner. Kelly.....	48		
171	An Act prohibiting judicial officers from accepting other employment. Enos.....	48		
172	An Act to amend Section 2296 of the Political Code, relative to the taking of books from the State Library. Langford.....	48		
173	An Act to regulate the payment of license fees by merchants and others. Langford.....	48		
174	An Act to appropriate money to pay W. T. Hume for services as stenographer to the State of California. Brown.....	48		
175	An Act to amend Section 739 of the Code of Civil Procedure, relating to actions to determine conflicting claims to real property. Hittell.....	48		
176	An Act to provide compensation for assessing, collecting, and paying the public revenue into the State treasury. Enos.....	56	291	
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179	An Act to amend Section 385 of the Political Code, concerning the salary of the Private Secretary of the Governor, and to add a new section thereto, relative to the salary of the Clerk of the Board of Examiners. Neumann.....	56		
180	An Act for the regulation of hotels, lodging houses, and sleeping apartments, for sanitary purposes, and for the enforcement of the same, in an incorporated city, or city and county. Conger.....	56		
181	An Act to pay the claim of James Saultry. Brown.....	56		
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183	An Act to amend Section 2756 of the Civil Code, and to add a new section to the same Code, to be known as Section 2757, concerning fire insurance. Brown.....	56		
184	An Act entitled "An Act to amend article twelve of the Constitution of the State of California." Langford.....	56		
185	An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872. Hittell.....	56	204	
186	An Act to amend Sections 2430, 2457, 2458, 2464, 2466, 2467, and 2468, of the Political Code, in relation to pilots and pilot regulations. Nelson.....	56		
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188	An Act to amend Sections 1401 and 1402 of the Civil Code, relating to the disposition of the community property on the death of either husband or wife. Enos -----	57		
189	An Act to amend an Act entitled an Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses. Hill -----	57		
190	An Act to prevent injury to agricultural lands in this State by the tailings and debris from hydraulic and placer mines. Langford ..	57		
191	An Act to pay the claim of W. C. Guirey. Dickinson -----	57		
192	An Act to add certain new sections to the Civil Code of the State of California, to be known as and numbered Sections 633, 634, 635, 636, 637, and 638 (division one, part four, title fifteen), relating to gas corporations. Enos -----	57		
193	An Act to protect railroad corporations in the enjoyment of their franchises. Johnson -----	65	195	
194	An Act to amend an Act entitled "An Act to limit and fix the rates of fares on street railroads in cities and towns of more than one hundred thousand inhabitants," approved January 1, 1878. Nelson -----	65		
195	An Act to appropriate money to the payment of equitable claims for work and labor performed at the Folsom Branch Prison. Johnson ..	66		
196	An Act to amend Section 3607 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue. Davis -----	69		
197	An Act to amend Sections 3607, 3617, 3627, 3629, 3634, 3640, 3641, 3650, and 3651 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue. Davis.	69	309	423
198	An Act to authorize the Board of State Harbor Commissioners to determine, compromise, and agree with the claimants of the block of land bounded by Francisco, Kearny, Bay, and Montgomery streets, in San Francisco, as to the extent of the separable interests of the State of California, and the said claimants in and to said block of land. Traylor -----	69		
199	An Act to amend Sections 2525 and 2528 of the Political Code, relating to the Board of State Harbor Commissioners. Traylor -----	69		
200	An Act to amend Sections 4, 6, 7, and 8, and to repeal Sections 5, 9, and 10, of an Act approved March 17, 1880, entitled "An Act to amend Section 6 of an Act entitled an Act concerning the water front of the City and County of San Francisco, approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners." Traylor -----	70		
201	An Act to provide for the issue of bonds for continuing the construction of the seawall and thoroughfares in the City and County of San Francisco. Traylor -----	70		
202	An Act to amend Section 1737 of the Code of Civil Procedure, relating to the duty of Public Administrator to deposit money with County Treasurer. Hill -----	70		
203	An Act to add a new section to the Political Code, to be known as Section 2715, relating to roads and highways. Hill -----	70		

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207	An Act to add certain new sections to the Civil Code, concerning gas corporations. (Part 4, title 15.) Enos.....	70		
208	An Act to regulate the bonds of Treasurers, Tax Collectors, Sheriffs, or other public officers having the collecting, disbursing, or charge of public moneys in their official capacity, in any city and county, or incorporated city or town, or any incorporated city and county in this State. Enos.....	70		
209	An Act to add a new section to the Penal Code, to be known as Section 307, to prevent the sale of liquors and tobacco to minors. Burt....	70	259	
210	An Act to amend Section 1124 of the Code of Civil Procedure. Enos..	71		
211	An Act to amend Sections 312 and 315 of the Civil Code, relating to the election of directors of corporations. Hittell.....	71		
212	An Act appropriating funds for the purpose of sinking a well to supply the State Capitol building and grounds with water. Johnston..	71		
213	An Act to amend Section 631 of the Penal Code, relating to violations of the laws for the preservation of fish and game. Traylor.....	71	168	465
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215	An Act to amend Sections 2, 4, and 5, of an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, so as to reduce the cost of said Board. Wendell.....	71		
216	An Act to repeal an Act entitled "An Act to amend Section 1590 of the Penal Code," approved March 29, 1878. Brown.....	75		
217	An Act to provide for bridges across navigable streams. Glascock....	75	261	427
218	An Act to lessen the expenses of litigation by restricting the admission of testimony and the time consumed in arguments by counsel, to be known as Section 620, Code of Civil Procedure. Kane.....	75		
219	An Act to amend Sections 1941, 1973, 2018, 2028, 2110, and 2117 of the Political Code of the State of California, relating to the National Guard. Dickinson.....	79	203	449
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224	An Act to amend Section 1183 of the Code of Civil Procedure, relating to the liens of mechanics and others upon real property. Baker.....	83		
225	An Act to provide for an additional Judge of the Superior Court of the County of Alameda, with accompanying memorial in relation thereto. Nye.....	83	261	425
226	An Act to limit and fix the rates and price of gas in all cities within the State of California having a population of one hundred thousand inhabitants or more. Enos.....	83		
227	An Act to amend Section 2107 of the Political Code, relating to the duties of the Adjutant-General. Hittell.....	83	150	
228	An Act to pay the claim of Mary M. Springer, widow and heir of Thomas A. Springer, late State Printer, deceased. Conger.....	84		
229	An Act to amend Section 609 of the Code of Civil Procedure, relating to instructions to juries. Neumann.....	84		
230	An Act to add a new section to the Penal Code, to be known as Section 308, relating to female exhibitions. Burt.....	85		
231	An Act to amend Section 307 of the Penal Code, relative to procuring female exhibitions. Burt.....	85		
232	An Act to provide for the disposal of the blocks and lots in the City and County of San Francisco, formed by the change of the water-front line, and bounded by the seawall, and the streets extended so as to intersect it, and to repeal certain Acts in conflict therewith. Traylor.....	98		
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333	An Act to amend Sections 596 and 633 of the Political Code, relating to life insurance. Johnson	206		
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356	An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant. Lampson	265	357	466
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36	An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein. Dickinson	564		
37	An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year. Davis	564		

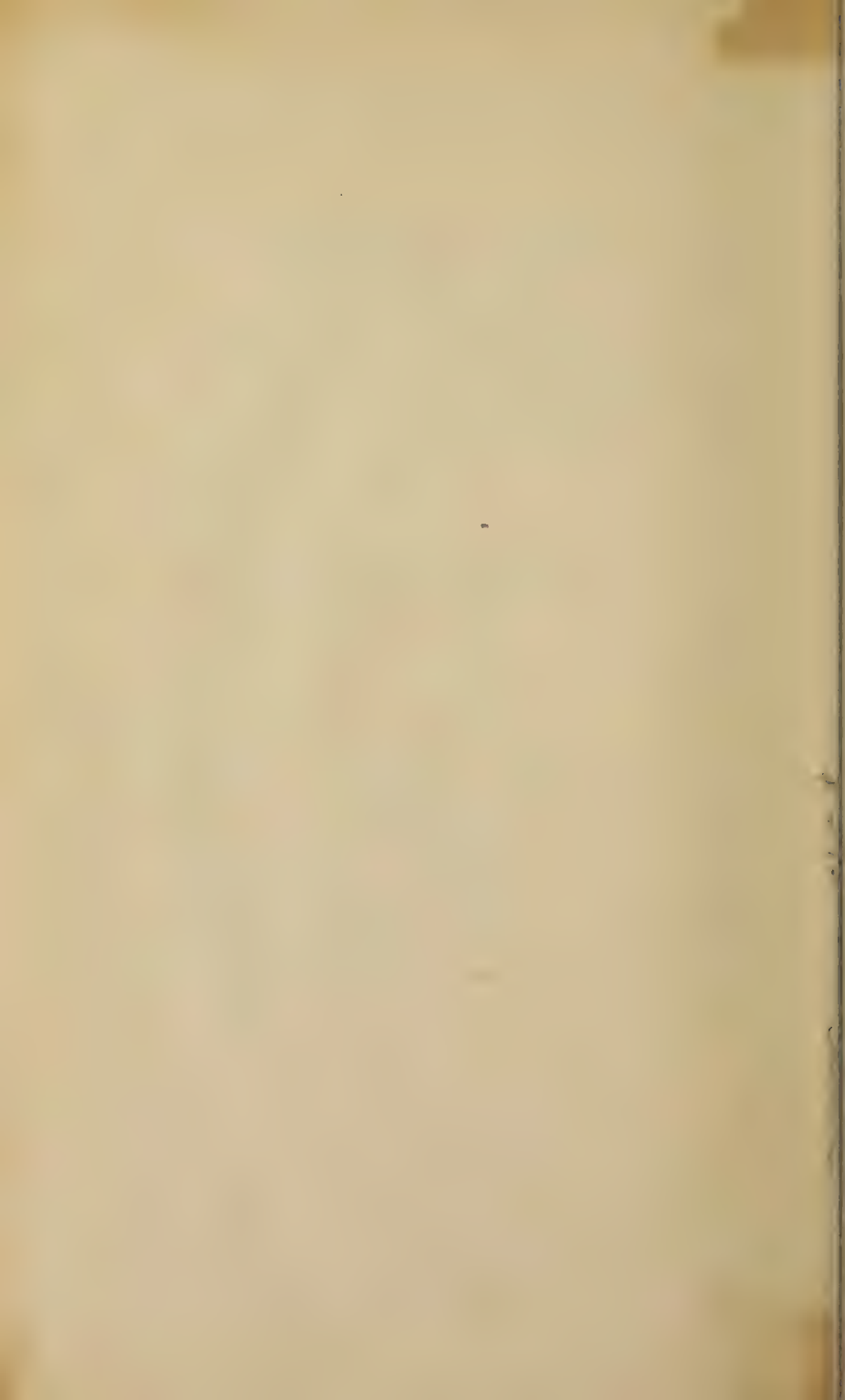
SENATE CONCURRENT RESOLUTIONS.

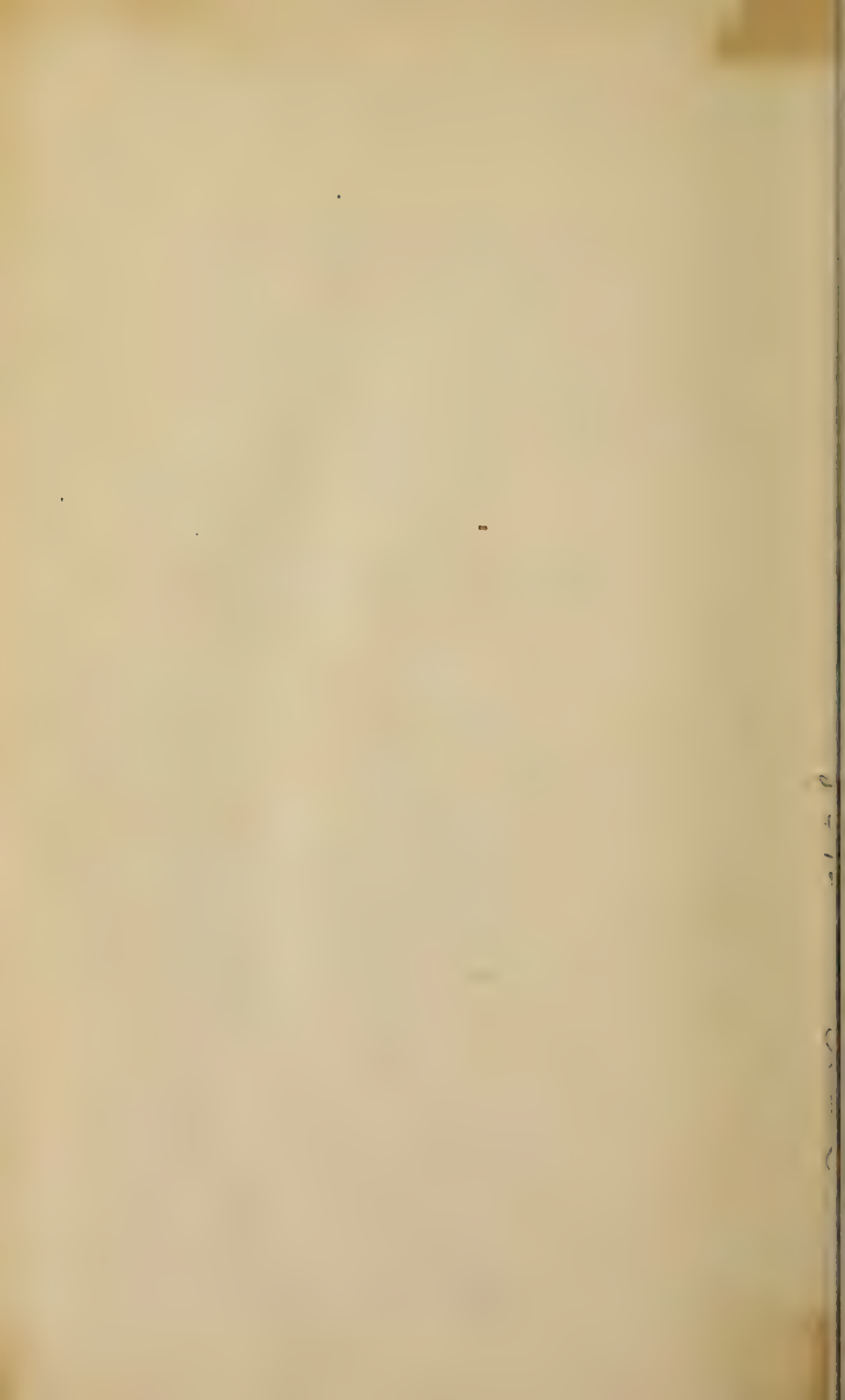
Number	TITLE.	Introduced	Passed Senate	Passed Assembly
1	Relative to sales of public lands. Johnson.....	10	120	258
2	Relative to a harbor of refuge at Trinidad. Ryan.....	10	168	207
3	Relative to forwarding copies of laws to Judges, etc. Hill	10	32	105
4	Relative to appointment of Joint Committee on Rules. Hill	11		32
5	Relative to improvement of Eel River. Ryan.....	14	125	239
6	Relative to aid to Mussel Slough settlers. Rowell.....	35	158	204
7	Relative to mining debris and channel obstructions. Sears	36	77	257
8	Relative to prohibition of importation of alcoholic liquors. Chase	45	141	
9	Relative to improvement of Petaluma Creek. Moreland.....	57		
10	Relative to transfer of mineralogical specimens to Mining Bureau. Neumann	57	129	433
11	Relative to free coinage of silver. Chase	57		
12	Relative to payment of claims for transporting troops. Enos.....	57	258	
13	Relative to treaty of Chinese Commission. Glascock	69		
14	Relative to redemption of mutilated currency. Chase	70		
15	Relative to establishment of a dead letter office. Chase	83	233	275
16	Relative to Ireland and land reform. Enos.....	84		
17	Relative to the Semitic race. Neumann.....	84		
18	Relative to ship railroad across Isthmus of Tehautepec. Langford	99		
19	Relative to the war between Chile and Peru. George.....	108		
20	Relative to amendments to Constitution of United States. Ryan	117		
21	Relative to postal savings banks. Kelly.....	117		
22	Relative to erection of Post Office in San Francisco. Kelly	117	234	
23	Relative to certain lands claimed by Andreas Pico. Langford	121		
24	Relative to Mussel Slough prisoners. Rowell.....	131	158	204
25	Relative to improvement of Wilmington Harbor. West	134	168	
26	Relative to amending Section 13 of Constitution. Baker.....	134		

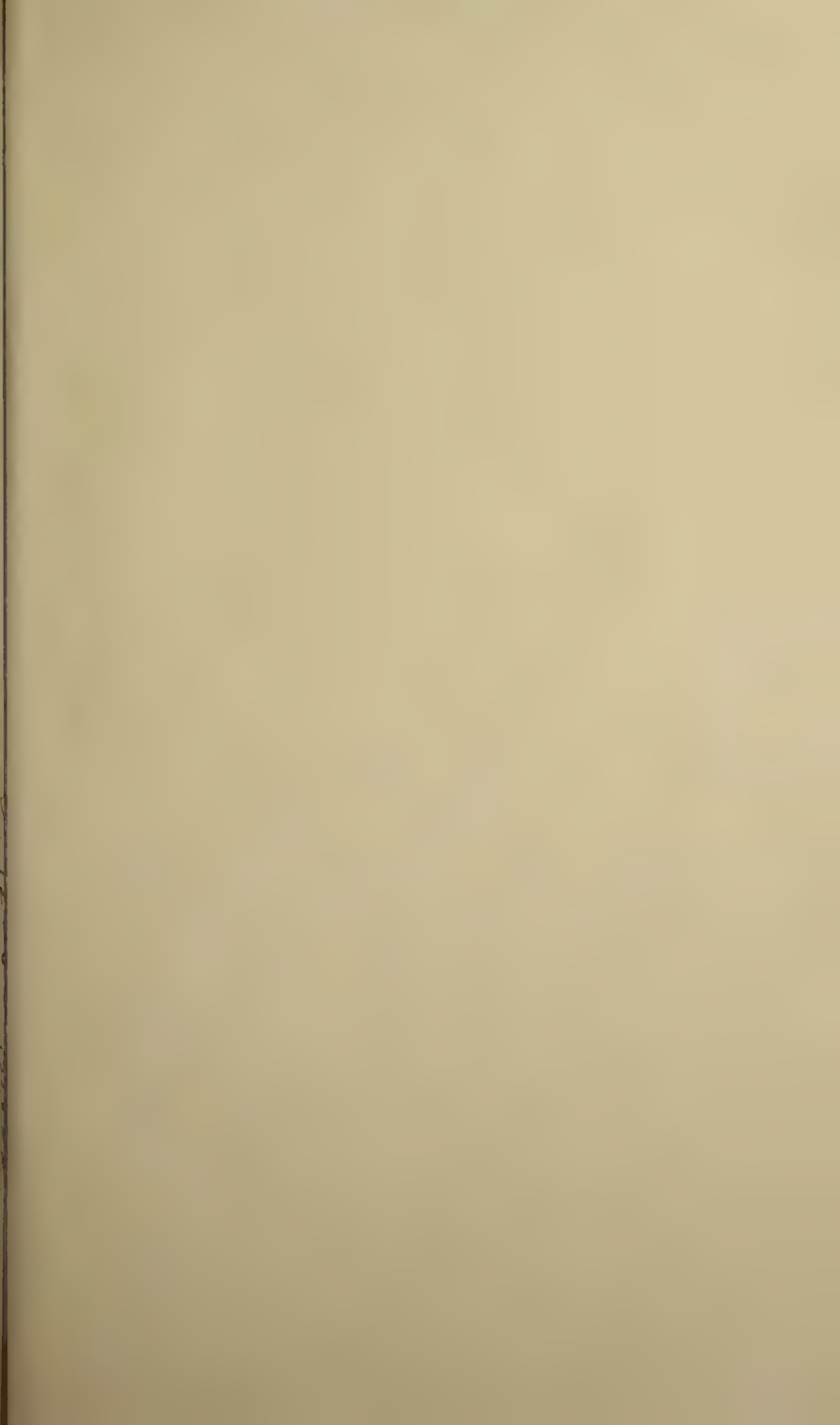
Number.....	TITLE.	Introduced ..	Passed Senate	Passed Assembly ..
27	Relative to establishing a postal telegraph system. Enos	147		
28	Relative to tariff laws of the United States. Sears	157		
29	Relative to constitutional amendment. Baker	165		
30	Relative to manufacturing arsenal at Benicia. Wendell	165	227	267
31	Relative to sale of mineral lands. Johnston	182		
32	Relative to protecting citizens, natives of Costa Rica. Neumann ..	220	334	388
33	Relative to breakwater in Monterey Bay. Hill	265		

SENATE JOINT RESOLUTIONS.

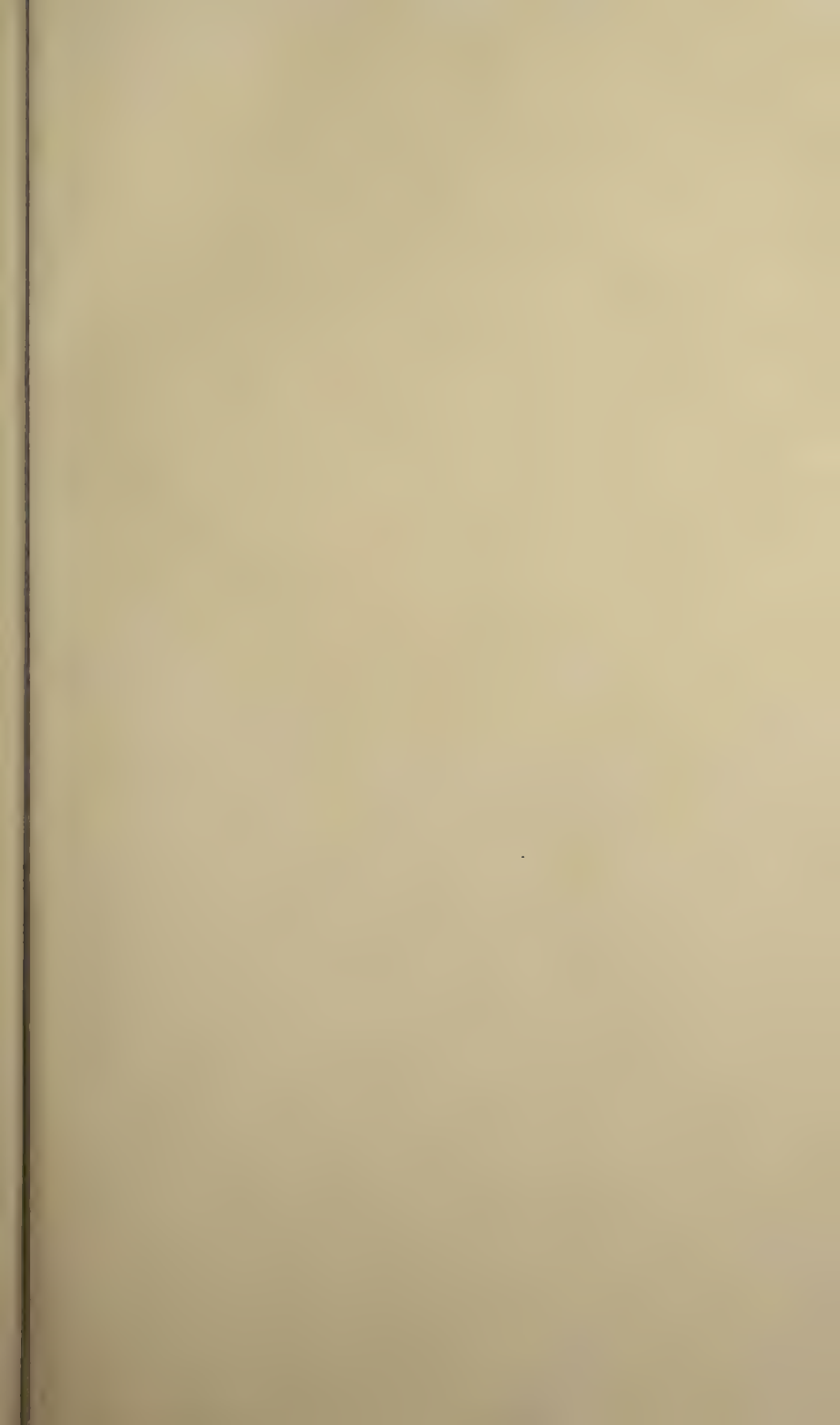
Number.....	TITLE.	Introduced ..	Passed Senate	Passed Assembly ..
1	Relative to ratification of the new Chinese treaty	75		
2	Relative to use of chambers to Governor. Johnson	140	140	155
3	Granting charter to Nicaragua Maritime Canal Company. Traylor ..	147	227	433
4	Relative to improvement of Mokelumne River. Langford	207		
5	Relative to election of Trustees for State Library. Cheney	272	272	315
6	Selection of State quarantine grounds. Sears	303	303	365
7	Relative to presentation of the bust of Jno. B. Weller. Neumann	312	312	357



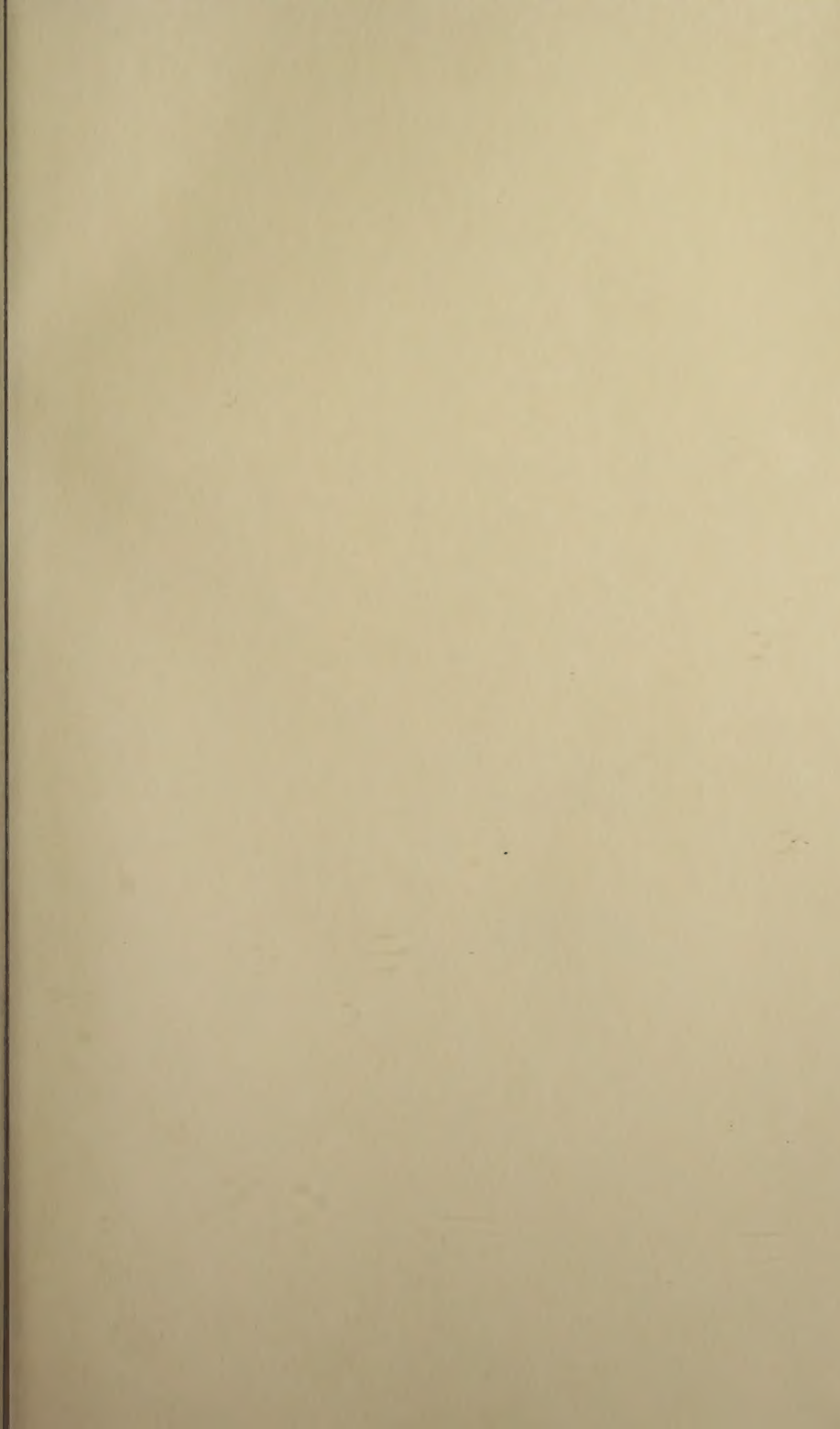


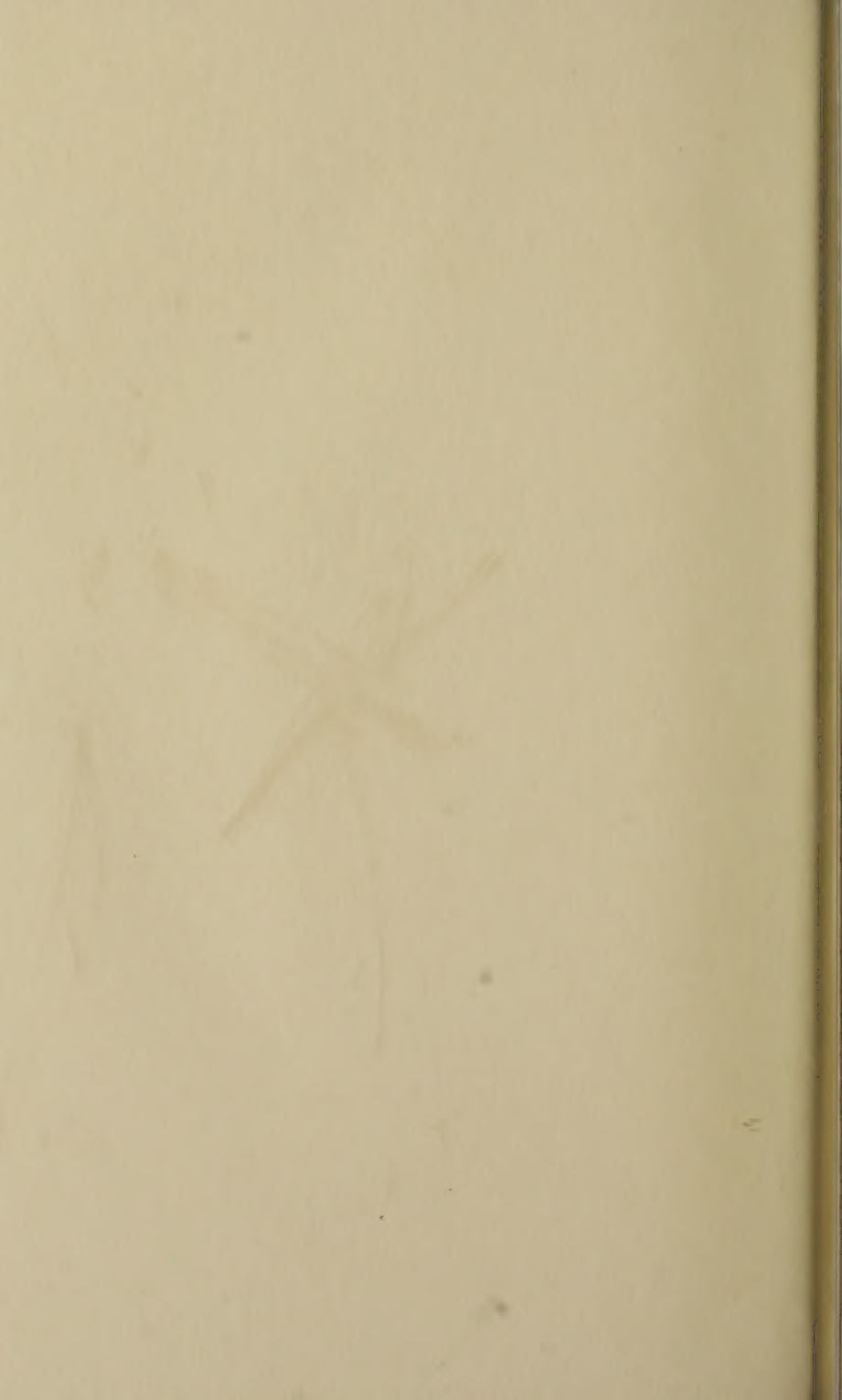












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